

## PAY OF CERTAIN GOVERNMENT EMPLOYEES IN- JURED WHILE IN THE DISCHARGE OF DUTY.

---

JUNE 8, 1910.—Committed to the Committee of the Whole House and ordered  
to be printed.

---

Mr. PRINCE, from the Committee on Claims, submitted the following

### REPORT.

[To accompany H. R. 26367.]

The Committee on Claims, to whom was referred the bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty, having considered the same, report thereon with a recommendation that it do pass.

The total amount carried by this bill is \$21,154.80. It includes 26 claims.

Appended hereto are reports, together with memorandums explaining each claim.

---

LARS P. PETERSON.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 18, 1908.

#### THE SECRETARY OF WAR.

SIR: I have the honor to return a communication, dated the 14th instant, from Hon. J. M. Miller, chairman Committee on Claims, House of Representatives, inclosing, with request for information, H. R. 9788, Sixtieth Congress, first session, for the relief of Lars P. Peterson, and to report as follows:

2. It appears from the letter of Lieut. Col. W. H. Bixby, Corps of Engineers, dated April 10, 1906, and its inclosures, all of which are herewith, that on December 22, 1905, Mr. Peterson, a carpenter employed by the United States in the erection of forms for reinforced concrete linings for the bridge at Aqueduct 5, of the Illinois and Mississippi Canal, about 1 mile north of the village of Annawan, in Henry County, Ill., was, while at work, and through no fault of his own, struck across the back and shoulders by the mast of a falling derrick. The derrick was being used to hoist steel beams to place on top of the masonry. The doctors who attended him stated at the time that his back was broken, and later, after an examination by the X ray at the hospital, the surgeon stated that his neck, not his back, was broken, and expressed the belief that his injuries were fatal.

3. The circumstances of the accident are fully set forth in the accompanying papers, and it is recommended that they be sent to the committee, such action having been requested verbally by Hon. J. V. Graff, the author of the bill.

4. Attention is invited to the statement in lines 13, 14, and 15 of the bill that the accident was due to "the careless operation of said derrick by employees of the United States." Colonel Bixby, after a careful and thorough investigation and consideration of the facts, states (inclosure 7) that in his opinion the accident was due to breakage of a portion of the derrick rather than to the fault of any employee.

5. It appears that Mr. Peterson had been employed during the working season for a number of years by the United States, and was a sober, industrious, faithful employee. I concur in the opinion expressed by Colonel Bixby that Mr. Peterson is specially worthy of congressional relief.

Very respectfully,

A. MACKENZIE,  
Brig. Gen., Chief of Engineers, U. S. Army.

---

WAR DEPARTMENT, Washington, April 29, 1910.

SIR: The Secretary of War directs me to acknowledge receipt of your letter of the 26th instant, requesting information in regard to the rate of pay of Mr. Lars P. Peterson at the time he was injured, December 22, 1905, while employed as carpenter in connection with the construction of the Hennepin Canal, in Illinois, by the falling of a derrick, and reply to inform you that the Chief of Engineers reports that Mr. Peterson was paid at the rate of \$2.50 per day, and that he was furnished no subsistence or other allowances.

Very respectfully,

JOHN C. SCOFIELD,  
Assistant and Chief Clerk.

HON. JOSEPH V. GRAFF,  
House of Representatives.

---

ENGINEER'S OFFICE, UNITED STATES ARMY,  
504 FEDERAL BUILDING,  
Chicago, Ill., April 10, 1906.

HON. JOS. V. GRAFF, M. C.,  
Washington, D. C.

DEAR SIR: Referring to your letter of March 31, 1906, to Asst. Engineer L. L. Wheeler regarding the injury to L. M. Peterson, I have the honor to inclose herewith a full statement from Asst. Engineer L. L. Wheeler regarding the matter, and also copy of my letter of December 29, 1905, which I think will put you in possession of the facts you desire.

Personally I much regret that there is no existing law that allows payment from river and harbor appropriations of reasonable doctors' and hospital charges and continuation of salary for reasonable time (equal to that of ordinary accident insurance companies' policies) during recovery. It would seem to me that in such cases laborers should be cared for by the United States Government, as soldiers are, when the injury comes to them as a result of their obeying orders and attending properly to the duties assigned them and is not their fault; and I sincerely hope that Congress some day will take steps to make such treatment legal.

Owing to the nature of this special injury I consider Mr. Peterson as specially worthy of congressional assistance.

Very respectfully,

W. H. BIXBY,  
Lieut. Col., Corps of Engineers.

Through Chief of Engineers, U. S. Army.

[First indorsement.]

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, April 16, 1906.

Respectfully returned to Lieutenant-Colonel Bixby, inviting attention to paragraph 831, A. R.

There is no objection to replying to Congressman Graff's letter in general terms, but copies of the records should not be furnished.

If a bill is introduced in Congress for the relief of Lars Peterson and formal call is made on the department, all papers in the case will then be furnished.

This paper to be returned.

By command of Brigadier-General Mackenzie:

CHARLES W. KUTZ,  
*Captain, Corps of Engineers.*

[Second indorsement.]

U. S. ENGINEER OFFICE,  
*Chicago, Ill., April 18, 1906.*

Respectfully returned to the Chief of Engineers, U. S. Army, preceding indorsement having been noted.

W. H. BIXBY,  
*Lieut. Col., Corps of Engineers.*

ILLINOIS AND MISSISSIPPI CANAL,  
OFFICE OF ASSISTANT ENGINEER,  
*Sterling, Ill., December 27, 1905.*

Lieut. Col. W. H. BIXBY,  
*Corps of Engineers, U. S. Army, Chicago, Ill.*

COLONEL: I inclose herewith a report by Junior Engineer H. E. Reeves, in regard to the accident at aqueduct 5 on December 22, by which Carpenter Lars Peterson was seriously and probably fatally injured.

I can add nothing to this report, of my own knowledge, further than that I was at aqueduct 5 soon after the accident, and from the situation of the derrick and the manner in which the guys led from the mast, it would seem impossible for the mast to have fallen if the hook fastening one of the guys to the top of the mast had not broken.

Since Mr. Reeves's report was written, I have learned by telephone that the injured man was taken to the Presbyterian Hospital on Congress street, in Chicago, and that after an examination by the X ray, the surgeons state that it is his neck instead of back that is broken, and that his injuries are fatal.

Very respectfully, your obedient servant,

L. L. WHEELER,  
*Assistant Engineer.*

ATKINSON, ILL., December 23, 1905.

Mr. L. L. WHEELER, *Assistant Engineer,*  
*Sterling, Ill.*

SIR: I have the honor to report that on December 22, at aqueduct 5, Carpenter Lars Peterson was very seriously injured by the falling of a guy derrick.

Carpenter Peterson was employed in the erection of forms for reinforced concrete linings for the aqueduct bridges, and at the time of the accident was in a sitting or stooping position engaged in work on the floor forms. The mast of the derrick struck him diagonally across the back and shoulders. He was saved from being crushed and probably instantly killed by a side truss, about 24 inches high, across which the derrick fell. Doctor Seids, of Annawan, Ill., from a preliminary examination, states that his back is broken.

Overseer George F. Eckert, jr., was in charge of the derrick and was using it to place in position the steel for the aqueduct bridge. He had just completed the raising and placing of several towpath beams. These had to be raised 11 feet, which necessitated the operation of the boom at such an elevation that it would not pass under the guy cables. Accordingly, the guy which interfered with the swing of the boom was removed. No danger resulted from this so long as the boom remained in the same general direction.

Having completed the placing of towpath beams, the boom was being swung to an angle of about 30 degrees with one of the remaining guys, to be attached to a side truss which was to be raised into position. The boom was not stopped at the intended point, but swung on around to the guy when the derrick fell. Although the upper end of the mast struck nothing, the mast falling across the side beams, as previously stated, a hook which held one of the guys was found to be broken. As the foot of the mast was chained fast and did not slip, and there were two guy lines at approximately right angles to the direction of the fall and anchored solidly to the tops of the masonry piers about 11 feet above the mast foot, it is doubtful if the derrick could have fallen

completely had not the hook broken. Neither Overseer Eckert nor other employees were able to state whether this hook broke before, during, or after the fall. It seems probable that a little slack in the guy cable allowed the derrick to sag over, when the sudden tightening and excessive strain, due to the flat angle of the two holding guys, snapped the hook and allowed the derrick to fall.

Very respectfully, your obedient servant,

H. E. REEVES,  
*Junior Engineer.*

---

ILLINOIS AND MISSISSIPPI CANAL,  
OFFICE OF ASSISTANT ENGINEER,  
*Sterling, Ill., April 5, 1906.*

Asst. Engineer L. L. WHEELER, *Sterling, Ill.*

SIR: I have the honor to report that on December 22, at adqueduct 5, Carpenter Lars Peterson was very seriously injured by the falling of a guy derrick. I was in charge of this work at the time, and have the honor to make the following report upon the matter:

In placing towpath beams it was necessary to remove guy line A (see inclosed photographs)<sup>a</sup> from the derrick, and in placing the side truss it was necessary to swing the boom to the middle of that truss. While I was making the hoisting line G fast there was considerable slack in it. The man who was holding the line G let go of it before he should have done so, causing the boom to swing around and strike line B, and I think in order for the boom to pass under line B, which I am positive it did, the hook on line D would have to break. This hook was found after the accident to be broken, but it was impossible for me to tell whether it broke when the boom passed under or when the mast fell.

Mr. Lars Peterson was laying the flooring under, or nearly under line C, in which direction the mast fell and struck Mr. Peterson diagonally across the back and shoulders.

The main cause of the accident, in my opinion, was due to the fact that the man holding the line G released the same before he should have done so.

Very respectfully, your obedient servant,

GEO. F. ECKERT, Jr.,  
*Overseer.*

---

ILLINOIS AND MISSISSIPPI CANAL,  
OFFICE OF ASSISTANT ENGINEER,  
*Sterling, Ill., April 6, 1906.*

Hon. JOSEPH V. GRAFF,  
*House of Representatives, Washington, D. C.*

SIR: In response to your letter of March 31, 1906, I have the honor to submit, through official channels, the following report upon the matter of an accident which occurred to Lars Peterson, and to attach copies of the official reports upon the subject:

This accident occurred on aqueduct No. 5 of the Illinois and Mississippi Canal, which is situated about 1 mile north of the village of Annawan, in Henry County, Ill. At the time of the accident, and for some time previous, Lars Peterson was employed as a carpenter by the United States, and was working as such at the time of the accident. He was employed directly by the United States and was not working for a contractor. I was not present at the time the accident occurred, but arrived at the aqueduct perhaps two hours after it occurred.

The aqueducts for carrying the canal over streams consist of masonry piers and abutments and trunk or trough carrying the water, which is composed of a framework of heavy I beams, and aqueduct No. 5 has a lining of reinforced concrete. I inclose herewith two photographs, Nos. 282F and 319F. No. 282 is a photograph taken at aqueduct No. 8, and 319 is a photograph of aqueduct No. 5 where the accident took place. The view No. 319 was taken September 28, 1905, at which time the masonry for one pier and one abutment in the background of the picture had not been constructed. It was on that part of the work that the accident occurred. It will be noted in view No. 319 that on top of

---

<sup>a</sup> Not printed.

the masonry, at the left of the photograph, a part of the coping is at a lower level than the rest of the masonry. It will also be noted that along the left side of the picture are lying some steel beams, adjacent to the masonry. These beams are placed on top of the masonry at the left of the picture to form a roadway for the towpath. At the right of the picture, lying on the floor, will be seen some heavier beams, which are being riveted together to form trusses to hold the sides of the aqueduct. The beams forming these side trusses are 24 inches high. In view No. 282 the derrick is shown attached to one of these side trusses, ready to tip it up into position against the masonry, where it is to be held by anchor bolts.

Just previous to the accident the boom was swung to the left side in view No. 319, and the derrick had been used in lifting the towpath beams to place on top of the masonry. It will be seen that the top of the mast of the derrick is supported by a number of guy lines. The guy line E was only used to steady the mast while the derrick was being moved from place to place. At the time of the accident, the guy line C was attached directly to the masonry instead of being as shown in the view. In order to hoist the beams on top of the masonry, the line A was cast loose from the masonry, as there would no strain come upon it during the work. The boom was then to be swung to a position corresponding to that shown in view No. 282, and attached to the heavy side truss, for raising it to position. In order to hoist the beams to the top of the masonry, the boom was at such an angle that it would not pass under the guy lines. According to the statement of the overseer, George F. Eckert, jr., in passing the boom around, the man who was controlling it by means of the hoisting lines G, let them go before they were attached to the side truss. This let the boom swing around farther than intended, toward the guy line B. The mast of the derrick then fell in a direction, in picture No. 319, corresponding to an angle of perhaps 45 degrees, to the right and from the observer. It was found after the accident that the hook fastening the guy D to the top of the mast was broken.

The foot of the mast was chained fast, and had this hook not broken it would seem to have been impossible for the mast to have fallen. Had the guy line A also been made fast again to the masonry the mast could not have fallen, even if the hook fastening guy D to the mast had broken. One reason for not fastening the guy A again to the masonry was that, as shown in photograph No. 282, while hoisting the heavy trusses an additional line F was attached to the end of the boom, in order to control the placing of the side trusses. As shown in that picture, the guy lines A, which are there double, consisting of two ropes, are slack and take no strain. It required a combination of all the following circumstances to make the accident possible:

First. That the guy A was not fastened to the masonry.

Second. That the laborer let go of the lines G before they were attached to the side truss.

Third. That the guy F had not yet been attached to the boom.

Fourth. That the hook fastening the guy E to the mast was broken.

Carpenter Peterson was placing lumber for forming the concrete between the longitudinal I beams at the time of the accident, about in the position relatively indicated by a cross on the photograph 319. The mast fell so that it rested on the side truss not yet raised to position, and this fact alone saved him from being killed instantly.

Ordinarily the carpenter crew and concreting crew were not worked on the same spans or on the same parts of the aqueducts as the crew erecting the steel work. At this time there were but two bays to complete the work for the season, and as there was great danger that cold weather would set in and prevent the completion of the concrete linings, the carpenter and concrete crews were closely following the erecting gang.

The accident was entirely without fault of Peterson himself. He was an innocent workman, and received an injury probably greater than death itself, and it would seem that he is well entitled to relief from the General Government. He had been employed during the working season for a number of years by the United States, and was a sober, industrious, faithful employee.

Accompanying this report is a copy of my official report upon the subject, dated December 27, 1905; also of the report of Junior Engineer H. E. Reeves, who was the junior engineer in immediate charge of the work, dated December 23, 1905; also report of Overseer George F. Eckert, jr., dated April 5, 1906.

Very respectfully, your obedient servant,

L. L. WHEELER,  
Assistant Engineer.

JAMES H. QUINN.

On July 9, 1903, an employee of the Watertown Arsenal was working on the foundry roof, soldering some copper flashing in place where the hood of the cupola comes through the roof, and had erected a wooden staging to hold his furnace, which weighed about 10 pounds. This staging was obviously too weak to hold a person, and should have been removed by the employee who erected it immediately upon completion of his use of it. This, however, was not done. On the following day, July 10, 1903, a gang of laborers, including James H. Quinn, went on the roof to adjust the hood in place, under the supervision of the foreman laborer, who is understood to be now located in Sweden. While it has not been established that the foreman ordered the men to stand on the staging above referred to, he did not caution them against doing so, and a staging was necessary for them to get in convenient positions to lift the hood. Three of them, including Quinn, stood on the staging, which gave way as they started to lift the hood, precipitating Quinn a distance of about 10 feet to a roof below, where he struck on his head, receiving injuries from which he died at the Cambridge Hospital two days later. It is understood that prior to accepting service at the Watertown Arsenal, Quinn had served for over four years as private and sergeant with the Sixty-ninth Regiment, New York Volunteers, having enlisted in 1898. He left a widow and an infant child.

There is precedent for action of Congress such as that now recommended. (See House Doc. No. 267, 58th Cong., 2d sess., copy herewith.) In this connection attention is also invited to House bill No. 3583, Fifty-eighth Congress, first session, introduced by Mr. Gillett, of Massachusetts, and referred to the Committee on the Judiciary, regarding compensation for personal injuries suffered by employees in the service of the Government.—*William Crozier, Brigadier-General, Chief of Ordnance.*

MARY E. QUINN.

On July 10, 1903, not July 10, 1905, as appears in the above bill, James H. Quinn, husband of Mary E. Quinn, was killed while at work at the Watertown Arsenal, by the giving away of the staging on which he was working.

By House document 184 (59th Cong., 1st sess.) it was recommended to the Committee on Claims that the sum of \$5,000 be paid Mary E. Quinn aforesaid. This recommendation was transmitted through the Acting Secretary of the Treasury by the then Secretary of War, William H. Taft, under date of December 12, 1905.

The amount of \$5,000 was found due Mary E. Quinn by a board of officers convened at the Watertown Arsenal by order of the commanding officer of the arsenal.

The recommendation bears the indorsement of the commanding officer aforesaid and the Chief of Ordnance of the War Department.

Precedent for this course is found in House Document 267 (58th Cong., 2d sess.). Attention is also called to House bill 3583 (58th Cong., 1st sess.).

Quinn was paid at the rate of \$1.76 per day. Seven days pay was due him at the time he died. Mrs. Quinn was paid at that rate for the amount due him, the settlement having been made December 16, 1903.

PATRICK POWELL.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 26, 1909.

DEAR SIR: Referring to the committee's letter of the 11th instant, inclosing a copy of H. R. 25089, for the relief of Patrick Powell, I beg to state that Mr. Powell was injured while in the performance of his duties as first mate in the Light-House Service, and as his injuries wholly incapacitate him for duty on a light-house tender, I consider that his claim has merit.

I know of no objection to the passage of the bill in question.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,  
*House of Representatives.*

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, February 2, 1909.

DEAR SIR: I beg to acknowledge the receipt of the committee's letter of the 28th ultimo, inclosing a copy of H. R. 22040, for the relief of Patrick Powell, in which the committee asks to be furnished with all facts and information concerning the matter in the possession of this department; also an opinion touching the merits of the claim.

In reply I beg to state that Mr. Powell, while in the performance of his duties as first mate in the Light-House Service, fell into the dry dock from the gang plank leading from the shore to the light-house tender *Dahlia*, sustaining such injuries that it was not thought safe to have him taken to the distant United States marine hospital. He was taken to the near-by St. Elizabeth Hospital, and certain expenses were incurred for treatment, etc., to the amount of \$165. He was removed to the United States marine hospital as soon as the doctors thought it safe.

Mr. Powell's injuries wholly incapacitate him for duty on a light-house tender, and I consider that his claim has merit.

I know of no objection to the passage of the bill in question.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,  
*House of Representatives.*

---

DEPARTMENT OF COMMERCE AND LABOR,  
LIGHT-HOUSE ESTABLISHMENT,  
Chicago, Ill., January 16, 1908.

The LIGHT-HOUSE BOARD,  
*Washington, D. C.*

SIRS: I have the honor to bring to the attention of the board the case of Mr. Patrick Powell, first mate of the light-house tender *Dahlia*, who was injured in the line of duty.

On October 20, 1907, Mr. Powell fell from the gangway of the *Dahlia* to the bottom of the dry dock, sustaining such injuries that it was not safe to have him taken to the distant United States marine hospital, as shown in copy of surgeon's certificate inclosed herewith.

Mr. Powell was removed to the marine hospital as soon as the doctors thought it safe. He was taken to the nearby St. Elizabeth Hospital, and certain expenses were incurred for treatment, etc., to the amount of \$165, for which receipted bills are inclosed.

I also inclose a letter from Mr. Powell, stating what he does for his family, who are dependent upon him.

Mr. Powell is sober, steady, and reliable, and has served the Light-House Establishment faithfully since 1875.

I recommend that, in view of the above circumstances, the question of congressional action be considered looking to Mr. Powell's reimbursement in the sum of \$165.

Respectfully,

J. M. ORCHARD,  
*Commander, U. S. Navy,*  
*Inspector, Ninth Light-House District.*

---

DEPARTMENT OF COMMERCE AND LABOR,  
LIGHT-HOUSE BOARD,  
Washington, January 21, 1908.

INSPECTOR NINTH LIGHT-HOUSE DISTRICT,  
*Chicago, Ill.*

SIR: Referring to your letter of January 16, 1908, the board states that, inasmuch as provision has been made for the hospital attendance for sick or disabled employees on vessels of the Light-House Service at a marine hospital or by a surgeon or private hospital under contract with the Marine-Hospital Service, it does not feel that it can reasonably recommend that Congress be asked to furnish relief to the mate of the tender *Dahlia* for expenses incurred

at a private hospital, especially as there is a marine hospital in Chicago to which he should have been taken. The receipted bills of the St. Elizabeth Hospital are herewith returned.

Respectfully,

J. M. HELM,  
Commander, U. S. Navy, Naval Secretary.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, September 25, 1908.

SIR: Referring again to your letter dated September 16, 1908, relating to the relief of Mr. Patrick Powell, who was injured by an accident while employed as first mate on the light-house tender *Dahlia*, I have the honor to state that the matter was duly referred to the Light-House Board for its consideration and report, and at the instance of the board I am requested to state that it was not the decision of the board that "no relief can be given Mr. Powell, because he was taken to the wrong hospital," but that the action of the board was based upon numerous decisions of the Comptroller of the Treasury.

The Light-House Board states its regret that in several cases similar to that of Mr. Powell it has been compelled by the decision of the Comptroller of the Treasury to refuse relief to its employees who have been injured in line of duty.

Herewith I have the honor to transmit a copy of a decision of the comptroller in a case analogous to that of Mr. Powell, upon which, although other decisions to the same effect are numerous, the action of the Light-House Board in Mr. Powell's case was based.

In the absence of any law or regulation existing at the date of Mr. Powell's injury which would enable the Light-House Board to pay the expenses incurred by him at the St. Elizabeth Hospital, the board deems it not improper to suggest that relief would probably be afforded by Congress upon the introduction of a bill for an appropriation for the specific purpose.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

HON. EDWIN DENBY, M. C.,  
*Detroit, Mich.*

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, September 22, 1908.

SIR: I beg to acknowledge the receipt of your letter of September 16, 1908, relative to the claim of Patrick Powell, injured in October last on the tender *Dahlia*, he being at that time first mate on the vessel, for hospital expenses at St. Elizabeth Hospital in the sum of \$165, and to state that the matter has been referred to the Light-House Board for further report.

Upon the receipt of the report from the board I will take pleasure in advising you.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

HON. EDWIN DENBY, M. C.,  
*Detroit, Mich.*

DEPARTMENT OF COMMERCE AND LABOR,  
LIGHT-HOUSE ESTABLISHMENT,  
Chicago, Ill., September 22, 1908.

MR. PATRICK POWELL,  
168 Baker street, *Detroit, Mich.*

SIR: Inclosed herewith are copies of letters written last winter relative to reimbursing you for expenses incurred by you on account of injuries received on October 20, 1907. Bills of the St. Elizabeth Hospital and Dr. W. C. Sanford are also inclosed.

Respectfully,

W. A. EDGAR,  
Lieutenant-Commander, U. S. Navy,  
Inspector, Ninth Light-House District.

## EXPENSES FOR MEDICAL ATTENDANCE.

There is no provision of law authorizing payment of the expenses of a member of the crew of a vessel of the Light-House Service while in a hospital. (Comptroller Tracewell to the Secretary of Commerce and Labor, April 18, 1905.)

In your communication of April 10, 1905, you request my decision of a question which you therein present as follows:

"In transmitting herewith copies of correspondence between the Light-House Board and the department, relative to the board's recommendation that authority be granted to pay the bill submitted by St. Luke's Hospital, New Bedford, Mass., in the sum of \$20 for treatment rendered to John P. Senna, a member of the crew of the tender *Azalea*, who accidentally lost three fingers while in the performance of duty on board the vessel, I have the honor to request an expression of your opinion as to whether or not the expense of paying the account of the hospital named can be properly charged to the appropriation under which the *Azalea* was employed at the time the accident occurred."

Treasury Department Circular No. 77, of 1875, provides that:

"Sick and disabled seamen employed on vessels of \* \* \* the Light-House Service will be admitted to the benefits of the Marine-Hospital Service upon application of their respective commanding officers."

It is understood that this regulation has not been modified since the transfer of the Light-House Service to your department.

Section 460 of the Regulations of the Public Health and Marine-Hospital Service also provides as follows:

"Officers and crews of the several vessels belonging to the Light-House Establishment, including light-ships, may be admitted to the benefits of the Public Health and Marine-Hospital Service upon the application of their respective commanding officers. No charge will be made for care and treatment."

Where the compensation of an officer or employee is not fixed by law, but the amount thereof is within the discretion of the head of the department, provision may be made in the contract of employment, as a part of compensation, for medical and surgical attendance in case of sickness occurring or of injury received while in the performance of duty. But in the absence of such provision in the contract, or of provision therefor by law or by regulations in conformity with law, the Government is under no legal obligation to furnish or pay for such attendance upon sick or disabled officers or employees. (8 Comp. Dec., 296.)

The regulations quoted supra provide for medical and surgical treatment by the Public Health and Marine-Hospital Service of the officers and seamen of vessels of the Light-House Service free of charge. But these regulations do not provide for or authorize the procurement of or payment for medical or surgical attendance or treatment of such officers or employees by private physicians or hospitals, or in any other manner than that specifically provided for therein.

I have the honor therefore to advise you that payment of the bill of the St. Luke's Hospital for treatment of the injured seamen mentioned is not authorized.

---

THEODORE E. ROLLETT.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 26, 1909.

DEAR SIR: Referring to the committee's letter of the 11th instant, inclosing a copy of H. R. 20620, for the relief of Theodore E. Rollett, I beg to state that Mr. Rollett, while serving as quartermaster on the light-house tender *Marigold*, was severely injured by the overturning of the tramway car at the Two Harbors light station, Minnesota, his spine being broken. It was not expected that he would survive, and his recovery was miraculous. He has now no use of his lower limbs, and is confined continually to a wheel chair, and has no means of obtaining a livelihood.

I am of the opinion that the bill for his relief is a just one, and recommend that it be passed.

Very truly, yours,

OSCAR S. STRAUS, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON CLAIMS,  
*House of Representatives.*

10 PAY OF EMPLOYEES INJURED IN DISCHARGE OF DUTY.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, May 11, 1910.

DEAR SIR: In reply to the inquiry contained in your letter of the 9th instant, I have to state that the salary received by Patrick Powell, late first mate in the Light-House Service, was \$80 per month, and that the salary of Theodore E. Rollet, late quartermaster in the Light-House Service, was \$40 per month.

Very truly, yours,

BENJ. S. CABLE,  
Acting Secretary.

HON. EDWIN DENBY,  
House of Representatives,  
Washington, D. C.

STATE OF MICHIGAN, County of Wayne, ss:

Theodore E. Rollet, being duly sworn, deposes and says that he is 22 years of age and that on July 31, 1907, was working as quartermaster on the light-house tender *Marigold*, Capt. Wainwright B. Cummings being master. That on said day your deponent was engaged in unloading coal in bags at Two Harbors light-house, Two Harbors, Minn.; that there was a narrow-gauged track several hundred feet in length—a portion of which ran over a trestle some 18 feet above the rocks—which ran from the dock where the scow laid from which they were unloading the coal, up to the light-house. Upon said track a car ran which carried the bags of coal from the dock to the light-house, said car being drawn by a rope which ran over a windless at the light-house end, said windlass being turned by steam power.

That on said day your deponent and six other members of the crew of said *Marigold* had just unloaded said car at the light-house and were riding back in the empty car to the dock with the empty bags to load up again when said car jumped the track as it was starting down the steepest part of the incline toward the dock, fell from the trestle and plunged some 18 feet to the rocks beneath. That just as said car left the track some one of its occupants cried "the car is off the track," and your deponent, to save himself, jumped from the car to the rocks beneath. But the car in its descent turned turtle and its edge fell across your deponent's back thereby breaking his back and injuring him internally.

That your deponent was taken to the Two Harbors hospital, where he was attended by Doctors Knauff and Shaw, who operated upon your deponent, removing, as your deponent is informed and believes, a portion of his backbone. That since said accident your deponent has been in a helpless condition, being paralyzed from his waist down, unable to walk, and being compelled to sit in a chair all day and not being able to get in or out of the same without assistance. And on account of his helpless condition, as aforesaid, your deponent is unable to do anything toward earning a livelihood and is entirely dependent upon his relations for support. That your deponent's family is poor and is hardly able to care for him in his present condition. That your deponent is informed and believes that he will never be able to walk again and will always be in the same helpless condition in which he is at present.

That your deponent was guilty of no negligence in the premises; was never informed that it was dangerous to ride in said car, nor ordered not so to do. That said track, as your deponent is informed and believes, was in a poor and faulty condition, which occasioned the car to jump the track. Furthermore, your deponent is informed and believes that the cable attached to the car, as it descended from the light-house, was permitted to unwind from the windlass too rapidly and to become slack, so that the car when it reached the steepest part of the descent jumped forward and for this reason and on account of the poor condition of said track, as aforesaid, left the rails and fell, as aforesaid.

That your deponent had been employed on said light-house tender *Marigold* on three different occasions. He was first employed, to wit, from June 1 to September 12, 1905, as coal passer, and was honorably discharged. The second time your deponent worked all summer as a deck hand up to January, 1907, and was discharged at his own request. The third time your deponent was employed as quartermaster, as aforesaid, his duties ending with the accident above described. And further your deponent saith not.

THEODORE E. ROLLET.

Sworn to and subscribed before me this 1st day of April, 1908.

FREDEN T. HOWARD,  
Notary Public, Wayne County, Mich.

My commission expires March 19, 1911.

SEVERIN HARTMANN.

*To the Senate and House of Representatives in Congress assembled:*

Petitioner respectfully states that he is and has been for about six years last past an employee of the United States in the Ordnance Department, being in a carpenter shop on Rock Island Arsenal; that on or about the 16th day of February, 1905, while at work in said shop, this petitioner lost his hand, the same being struck by a knife breaking from a molding machine 86 feet distant, this petitioner having in no way contributed to said accident, nor being in any way responsible for the same; that this petitioner was at the time of said accident 42 years of age; that this petitioner was at that time earning \$1.75 per day, and would within a year have been earning \$2.50 a day at said work; that petitioner is now kept in the employ of the United States on said arsenal, being given said work as he can perform; that if this petitioner should be left out of employment by the United States he would be unable to earn the wages of even an ordinary laborer.

Wherefore petitioner prays that he be allowed damages in the sum of \$15,000. Affidavits in proof of these allegations are attached.

SEVERIN HARTMANN.

ROCK ISLAND ARSENAL,  
*Rock Island, Ill., February 16, 1905.*

The COMMANDING OFFICER,  
*Rock Island Arsenal, Ill.*

SIR: Severin Hartmann, jr., was injured in carpenter shop just before noon to-day. The man was brought to the hospital on a stretcher at about 12.15 p. m. It was stated to me that he had received his injury from a flying blade of another machine from the one he was working at, situated at quite a distance from him. I found that the lower two-thirds of left forearm had been completely severed. I amputated sufficient stump to secure flap, after which he was removed to a hospital in Davenport, Iowa.

Very respectfully,

G. G. CRAIG,  
*Contract Surgeon, U. S. Army.*

ROCK ISLAND ARSENAL,  
*Rock Island, Ill., February 17, 1905.*

The CHIEF OF ORDNANCE, U. S. ARMY,  
*Washington, D. C.*

SIR: I inclose herewith report submitted to be by Capt. C. C. Jamieson, in charge of the carpenter shop, and by Contract Surg. G. G. Craig, with reference to an accident that occurred in the carpenter shop at this arsenal on the 16th instant, and to the injury received by one of the employees, Severin Hartmann, jr.

I have investigated as far as possible into the circumstances attending this accident and resulting injury and can only confirm the statements made in the inclosed reports.

I have carefully examined the machine—a Rowley & Hermance molding machine—and would report that, apart from its recent injury, it is in first-class condition in all respects. The machine was purchased in January, 1899, is of modern design and model, and has been run without accident or incident from time to time since receipt at this arsenal.

At the time of the accident the contract surgeon was visiting a patient at the arsenal, was at once sent for, and reached the post hospital very shortly after the injured man had been removed there.

Respectfully,

S. E. BLUNT,  
*Lieut. Col. Ord. Dept., U. S. Army, Commanding.*

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,  
*Washington, February 21, 1905.*

Respectfully returned to the commanding officer of Rock Island Arsenal, with inquiry whether there is any evidence that the operator, in tightening

the bolts holding the knife of the molding machine, as stated in his report herewith (inclosure 3), overstrained the bolts by drawing them up too tightly.

WILLIAM CROZIER,  
*Brig. Gen., Chief of Ordnance.*

[Second indorsement.]

ROCK ISLAND ARSENAL, ILL.,  
*March 1, 1905.*

Respectfully returned to the Chief of Ordnance, U. S. Army.

The man who put in the knives and was running the machine at the time of the accident is an experienced hand, who has run this machine whenever it has been used during the past year. Careful inquiry develops no evidence to show that the bolts were overstrained in tightening in this case.

The vibrations due to the high speed at which this machine is constantly run results in the metal of the bolts becoming crystalline in structure, and they are changed at intervals to prevent accidents, though in spite of all precautions, one occasionally breaks and flies out when the machine is running.

J. W. BENET,  
*Major, Ord. Dept., U. S. Army, Commanding.*

ROCK ISLAND ARSENAL,  
*Rock Island, Ill., February 17, 1905.*

Capt. C. C. JAMIESON,  
*In Charge of Carpenter Shop.*

SIR: I have the honor to report that I was running a shaper between the 12-inch molding machine and the shaper which was being run by Severin Hartmann. About 11.50 a. m. I felt something brush my right arm, and almost immediately after Hartmann came toward me, holding the stump of his left arm in his right hand, and asked me to help him into the office or to the hospital. Upon examination I found that the knife of the machine which had cut off Hartmann's arm had torn through my blouse and shirt and scratched the skin of my right arm just below the shoulder.

Very respectfully,

MICHAEL REID.

ROCK ISLAND ARSENAL,  
*Rock Island, Ill., February 17, 1905.*

Capt. C. C. JAMIESON,  
*In Charge of Carpenter Shop.*

SIR: I have the honor to state that on the afternoon of February 15 I put a new set of knives in the 12-inch molding machine, and ran the machine about half an hour on oak stock for quarters No. 6.

On February 16, about 11.45 a. m., I set up the bolts on the boxes of this machine and started it up to see whether it ran true. It had been running just about long enough to reach full speed when one of the knives broke off and flew out, cutting off the arm of Severin Hartmann, as I afterwards learned.

I have been employed since March 30, 1904, in the carpenter shop, and have run this machine whenever there was any work for it since that time.

Very respectfully,

ARTHUR C. BREITER.

ROCK ISLAND ARSENAL,  
*Rock Island, Ill., February 17, 1905.*

The COMMANDING OFFICER,  
*Rock Island Arsenal.*

SIR: I have the honor to report that about 11.50 a. m., February 16, the bolts holding one of the knives of a 12-inch molding machine broke and a piece of one of the knives about 8 inches in length flew across the shop and completely severed the left arm of Severin Hartmann about midway between the wrist and elbow. Hartmann was shaping cantles on a machine 85 feet away from the molding machine, and the knife which struck him passed over the head of

Emil Gerdtz and cut through the coat and shirt of Michael Reid, who were at work between the molding machine and the one being run by Hartmann.

The molding machine was being run by Arthur C. Breiter, an experienced and competent machine hand, who has run this machine since his employment at this arsenal March 30, 1904. He states that on the afternoon of February 15 he put in a set of new knives and ran the machine about half an hour on oak stock. On the 16th he had some more stock to run out, and about 11.45 tightened up the bolts on the boxes of the machine and then started it up to see whether it ran true. The machine had just reached full speed when the knife flew out, striking Hartmann as above described.

The molding machine and all other machines in the shop are provided with guards to minimize danger as much as possible, and I am convinced that all possible precautions are constantly observed.

Very respectfully,

CHAS. C. JAMIESON,  
Capt., Ord. Dept., U. S. Army.

---

LYDIA MAHONEY.

STATE OF MINNESOTA, *County of Ramsey, ss:*

Lydia Mahoney came before me personally, and being first duly sworn did depose, say, and testify as follows:

I am the widow of Michael Mahoney, who was injured while working for the United States at the dam at or near Lock No. 2 on the Mississippi River, on the 14th day of September, 1906, and who died as the result of his injuries on the 17th day of September, 1906.

My husband left surviving him myself and three unmarried daughters and one married daughter; he left no property or estate whatever, except a small sum due him for wages for his work, which had been unpaid at the time of his death, amounting to about \$24, and a house and lot in the city of St. Paul, upon which there is a mortgage for \$2,000 and which is not worth to exceed the sum of \$3,000. I have no property myself, except a small house and lot in Anoka, Anoka County, Minn., worth not to exceed \$1,000, and which is also mortgaged for the sum of \$1,000.

I am 65 years of age and unable to earn any money or to do any work, except some of the domestic duties pertaining to the care of my house. Two of my daughters are at work earning small salaries, all of which are absorbed in paying the necessary living expenses of myself and family, and I have no other means of support or to obtain money to pay off the mortgage upon my home or upon my property in Anoka.

LYDIA MAHONEY.

Subscribed and sworn to before me this 22d day of November, 1906.

[SEAL.]

H. A. ABERNETHY,  
Notary Public, Ramsey County, Minn.

My commission expires March 29, 1913.

---

STATE OF MINNESOTA, *County of Washington, ss:*

Samuel McClure, of Washington County, Minn., came before me personally, and being first duly sworn did depose, say, and testify as follows:

I know Lydia Mahoney, the affiant who makes the affidavit which is hereunto prefixed, and have known her and her husband and family for more than ten years last past. I was well acquainted with Mr. Mahoney during his lifetime, and I know that all of the statements contained in the foregoing affidavit in reference to the financial condition of Mrs. Mahoney are absolutely true.

SAMUEL MCCLURE.

Subscribed and sworn to before me this 23d day of November, 1906.

[SEAL.]

JAMES H. MACKEY,  
Notary Public, Washington County, Minn.

My commission expires November 21, 1912.

COMMITTEE ON MILITARY AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., April 28, 1910.

HON. GEORGE W. PRINCE,  
*House of Representatives.*

MY DEAR GEORGE: Pursuant to our conversation in reference to the inclosed bill for relief of Lydia Mahoney, the attached telegram from the division United States engineer at St. Paul, Minn., states that her husband at the time of his accident was earning \$1.76 per day, or \$641.40 per annum. If there is anything further you desire, please inform me. I bespeak your earnest consideration of the bill.

Very truly,

F. C. STEVENS.

[Telegram.]

ST. PAUL, MINN., April 26, 1910.

F. C. STEVENS, M. C., Washington, D. C.:

Mahoney's pay when killed was \$1.76 per day.

SHUNK, Engineer.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 9, 1907.

The SECRETARY OF WAR.

SIR: I have the honor to return herewith H. R. 21339, Fifty-ninth Congress, second session, for the relief of Lydia Mahoney.

A copy of the report of Asst. Engineer George W. Freeman, in immediate charge of the work at Lock No. 2, Mississippi River, made to Lieut. Col. George McC. Derby, Corps of Engineers, at the time of the accident, is inclosed herewith, from which it will be seen that the facts are substantially as stated in the bill, except as to date, which has been changed in red.

Although it has been held by the legal officers of the Government that the United States is not responsible for the torts of its agents, and there appears therefore to be no legal obligation on its part to grant the proposed relief, nevertheless it is believed that the claim is a worthy one, and no objection is made to the favorable consideration of this bill as amended.

Very respectfully,

A. MACKENZIE,  
Brig. Gen., Chief of Engineers, U. S. Army.

UNITED STATES ENGINEER OFFICE,  
St. Paul, Minn., September 18, 1906.

Lieut. Col. GEO. MCC. DERBY,  
Corps of Engineers, U. S. Army, St. Paul, Minn.

COLONEL: I regret to report a serious accident at Lock and Dam No. 2, which occurred about 4.20 p. m. Friday, September 14, 1906, by which one man was fatally injured and two others more or less seriously.

The men working on the "cut-off" wall were down in the trench back of the land wall; a loaded car from the quarry came rushing down the incline; the foreman, who saw the car coming, spoke to the men, ordering them to get as close to the lock wall as possible; they all did so, except Mike Mahoney, who, on a higher level, was tending the hose; he rushed up the ladder and in trying to cross the track was struck by the runaway car and his skull was fractured. He was immediately taken to the Cobb Hospital, Merriam Park, and there at 11 p. m., September 17, he died.

\* \* \* \* \*

The cars in the quarry are operated by gravity—one car going down, one car coming up; speed controlled by a friction drum.

The method of operating is as follows: Car is loaded and snubbed by a manila line from the derrick to the chock, or head block, some 50 feet down the track. Here the wire rope is hooked on, the manila line unhooked; the "head

block" and "ting" removed and the car let down the incline. The man who attends to hooking on the wire rope and unhooking the manila rope also tends the brake. On this day this duty was performed by J. A. Sandstrom, who had a man helping him in the forenoon but was assisted by the foreman, Eric Bengtson, in the afternoon. The manila rope becoming wet and stiff, Mr. Bengtson, who has but one hand, changed places with Sandstrom, at the car, but Sandstrom still attended the brake. By an oversight this last car for the day was not properly hooked up, got away, rushed down the track, and caused the accident.

Summing up the evidence, it is my opinion that Mr. Bengtson, who relieved the man at the chock, should have seen that the rope was properly hooked, to have done the actual work himself or made sure that it was properly done, and thus he is more to blame than any of the others.

Very respectfully,

GEO. W. FREEMAN,  
*Assistant Engineer, Engineer Department.*

FREDERICK J. ERNEST.

NAVY DEPARTMENT,  
*Washington, May 12, 1910.*

SIR: In compliance with your request made yesterday by telephone, I have the honor to inform you that Frederick J. Ernest, an employee at the navy-yard, Washington, D. C., who was accidentally injured by vitriol oil September 12, 1906, concerning whose relief, as provided in H. R. 19642, the department wrote you on the 15th of February last, did not return to his employment after his injuries until February 1, 1907; that at the time of the accident he was a second-class helper general, receiving pay at the rate of \$1.76 per diem; and that when he was discharged, November 20, 1909, he was a second-class helper general, receiving pay at the rate of \$2 per diem.

Very respectfully,

R. F. NICHOLSON, *Acting Secretary.*

HON. GEORGE W. PRINCE, M. C.,  
*Chairman Committee on Claims, House of Representatives.*

NAVY DEPARTMENT,  
*Washington, February 15, 1910.*

MY DEAR CONGRESSMAN: Referring further to the bill H. R. 19642, for the relief of Frederick J. Ernest, I have the honor to advise you that it appears from the records at the navy-yard, Washington, D. C., that Ernest was, September 12, 1906, badly burned by oil of vitriol through an accident that occurred while he and other employees at the yard were moving the oil to the basement of the cartridge case shop.

Mr. Ernest lost a great deal of time while under treatment for the injuries, and his face and neck were very much disfigured. After returning to his employment he was given the lightest kind of work, and when employees were being discharged and furloughed in the early part of 1909 he was retained on account of his injuries. The duties assigned to Ernest did not seem to be suitable to him and he desired to be transferred to the position of messenger, but as this could not be done because of his not having taken the required civil-service examination, he requested and was given his discharge November 20, 1909.

The department in submitting the foregoing information makes no recommendation in the premises, preferring to leave to the committee's judgment, in view of the liability act of May 30, 1908, the question as to whether relief should be granted, and if so, to what extent.

Faithfully, yours,

G. V. L. MEYER.

HON. GEORGE W. PRINCE, M. C.,  
*Chairman Committee on Claims, House of Representatives.*

ANNAPOLIS, MD., April 23, 1910.

HON. GEORGE W. PRINCE,  
*Chairman Committee on Claims,  
House of Representatives, Washington, D. C.*

SIR: In reference to House bill No. 19642, now in Congress for my relief, Mr. Barchfeld, the author of the same, has expressed his opinion that I had a very deserving case and told me that I would be called before your committee in due time.

Will you therefore kindly indicate to me what date will best suit the convenience of yourself and committee to present myself, and much oblige.

Yours, very respectfully,

FREDERICK J. ERNEST,  
45 Maryland Avenue.

---

ROBERT COGGON.

ISTHMIAN CANAL COMMISSION,  
Washington, January 19, 1909.

HON. J. M. MILLER,  
*Chairman Committee on Claims,  
House of Representatives.*

SIR: I have the honor to acknowledge the receipt, by reference from the Secretary of War, of your reference of House bill No. 25314 for the relief of Robert Coggon, with the request that your committee be furnished all facts and information concerning the matter, and an opinion touching the merits of the claim.

In reply you are informed that inasmuch as this office has no record of the facts in this case other than the brief report of the death of Clifford J. Coggon, son of Robert Coggon, as the result of a premature explosion on May 22, 1908, on the Isthmus of Panama, the bill with accompanying papers is being forwarded to the chairman and chief engineer of the commission on the Isthmus for a report, on receipt of which it will be promptly transmitted to your committee.

Very respectfully,

F. C. BOGGS,  
Captain, Corps of Engineers, U. S. Army,  
Chief of Office.

---

ISTHMIAN CANAL COMMISSION,  
Washington, February 8, 1909.

HON. J. M. MILLER,  
*Chairman Committee on Claims, House of Representatives.*

SIR: Referring to the bill (H. R. 25314) for the relief of Robert Coggon, in connection with the death of his son, Clifford J. Coggon, on the Isthmus of Panama, on May 22, 1908, and to the letter to you from this office, under date of January 19, 1909, in reference thereto, I now have the honor to transmit a copy of a letter, dated January 27, 1909, from the chairman of the commission on the Isthmus regarding the accident by which Mr. Coggon lost his life, together with the papers accompanying same.

The papers which accompanied the copy of the bill when it was referred by your committee to the War Department are returned herewith.

In the absence of the chief of office,

Very respectfully,

RUFUS A. LANE,  
Assistant to the Chief of Office.

---

ISTHMIAN CANAL COMMISSION,  
Culebra, Canal Zone, January 27, 1909.

Capt. F. C. BOGGS,  
Chief of Office, Washington, D. C.

SIR: I return herewith all papers relating to a bill introduced in Congress (H. R. 25314) for the relief of Robert Coggon, father of Clifford J. Coggon, a

levelman in the employ of the Isthmian Canal Commission, who was killed by a premature explosion of dynamite at Caimito Mulato on May 22, 1908. To these papers I have attached copies of two police reports relating to this accident and a copy of an account of the explosion published in the Canal Record of May 27, 1908.

There is no information available relating to this explosion and the death of Mr. Clifford J. Coggon other than that contained in these papers and the written accounts of eyewitnesses and others already submitted to the Committee on Claims of the House of Representatives.

Respectfully,

GEO. W. GEOTHALS, *Chairman.*

---

ANCON, May 23, 1908.

SIR: I have the honor to inform you that, as the result of a premature explosion of dynamite at Caimito Mulato, on May 22, two Americans, Joseph P. Roche and Clifford J. Coggon, were killed; Fritz Marti, American, was seriously injured; and Chutburt Turpin, Barbadian, was slightly injured. All the above-named persons were employees of the Isthmian Canal Commission. Fritz Marti was taken to Ancon Hospital for treatment, and the bodies of Roche and Coggon were forwarded to Ancon Hospital morgue.

From information furnished this office, it appears that the explosion was caused by lightning striking the wire which was connected with a number of leads, exploding about 31 tons of dynamite.

Very respectfully,

GEO. R. SHANTON,  
*Chief of Police.*

Hon. JO. C. S. BLACKBURN,

*Head of Department of Civil Administration, Ancon.*

---

CANAL ZONE POLICE DEPARTMENT—REPORT OF ACCIDENT INVOLVING PERSONAL INJURY.

Name of injured party in full, Clifford J. Coggon. Date and hour of accident, May 22, 1908, 1.30 p. m. Exact locality of accident, canal prism near Caimito Mulato shops. Nationality, American. Color, white. Age, 24 years. Sex, male. Single.

By whom employed and in what capacity (if by Isthmian Canal Commission or Panama Railroad, state, in addition, metal check number, department in which employed, and name and title of immediate superior other than foreman): Isthmian Canal Commission; civil engineer; department of engineering and construction, Chagres division; Maj. Edgar Jadwin, division engineer.

Address on Isthmus, San Pablo, Canal Zone. To what hospital taken, Ancon Hospital. Cause and nature of accident, premature explosion of dynamite. Nature of injury sustained, death by suffocation. Attending physician (name and address), F. R. Curney, San Pablo, Canal Zone. Witnesses (state names, addresses, and occupations): Michael J. McDonough, San Pablo, Canal Zone, general foreman; Arnold Marti, San Pablo, assistant to powder foreman.

Remarks (under this heading give all information which can be obtained and which is not shown under any of the above headings): The above-named Clifford J. Coggon met his death while engaged in connecting wires of several different mines to the lead wire, preparatory to firing same. Lightning struck the wire, thereby causing the premature explosion.

Dated at San Pablo, Canal Zone, the 22d day of May, 1908.

ROBT. H. DUNCAN,  
*Corp. No. 7, Zone Police, San Pablo, Canal Zone.*

HEADQUARTERS POLICE DEPARTMENT,  
*Ancon, Canal Zone, May 26, 1908.*

Official copy respectfully referred to Col. George W. Goethals, chairman and chief engineer, Culebra, Canal Zone, for his information.

GEO. R. SHANTON, *Chief of Police.*

[Extract from Canal Record dated May 27, 1908.]

## PREMATURE EXPLOSION.

A premature explosion of 26 tons of dynamite, caused by lightning, on the afternoon of May 22, at Caimito Mulato, in the Chagres division, resulted in the death of two Americans, Clifford J. Coggon, levelman, and J. P. Roche, powderman. Injuries were inflicted upon two other employees, a Frenchman named Fritz Marti, whose leg was broken, and a colored laborer, who was hit by a piece of rock, but not seriously injured.

The charge was ready to be fired as soon as the men stopped work at 5 o'clock. The wires had not been connected with the electric battery, and during a thunder storm lightning affected the wires, causing the explosion. Several hundred men were in the immediate vicinity, and it was very remarkable that there were so few casualties, although there were many narrow escapes.

## STATEMENT OF FACTS.

- I. Clifford J. Coggon, born July 3, 1883; father, Robert Coggon.
- II. Graduated from Castile High School June, 1903.
- III. Graduated from Lafayette High School, Buffalo, June, 1904.
- IV. Graduated from Allegheny College, Meadville, Pa., as civil engineer June, 1907.
- V. Appointed to government work on Isthmus of Panama July 10, 1907.
- VI. Arrived on Isthmus July 25, 1907.
- VII. Employed in department of excavation and dredging on Chagres division under Maj. Edgar Jadwin, directly under A. P. Mason.
- VIII. Death caused by premature explosion of 29 or 33 tons of dynamite set off by lightning, which buried and suffocated him under 2 or 3 feet of earth at Caimito Mulato, Canal Zone, May 22, 1908.
- IX. He was in the discharge of his duties at the time of his death.
- X. Death was not due to any neglect either directly or indirectly on his part.
- XI. Robert Coggon, father of Clifford J. Coggon, mortgaged his farm to give his son an education, expecting him to pay the money back as soon as he earned it.
- XII. Robert Coggon is 60 years old, broken in health, and unable to continue hard farm work.

*Isthmian Canal Commission—Department of Sanitation—Report of death.*

Surname, Coggon. Christian name, Clifford J. Nationality, American. City or town and State father lives in, Castile, N. Y. Color, white. Sex, male. Employee or nonemployee, employee (gold). Department in which employed, excavation and dredging. When last employed, May 22, 1908. Place of residence on Isthmus, San Pablo. House No. 51, room 5. Check No. 20926. Length of time residence on Isthmus, since July 25, 1907. Place and date of birth, unknown; age of 24 given on information slip. Married or single, single. Name of relative or friend, Robert Coggon. Relation to deceased, father. Address of relative or friend, Castile, N. Y. Date admitted to hospital, sent to Ancon hospital to be embalmed May 22, 1908. Date of death, May 22, 1908, at about 1.45 p. m. Cause of death, premature explosion of dynamite of 29 or 33 tons sent off by lightning, which buried and suffocated him under 2 or 3 feet of earth. Place of death, Caimite Mulato, Canal Zone. Place of burial, sent to Ancon Hospital to be embalmed, May 22, 1908. Property left by deceased, about \$636, mostly in money orders in hands of Corporal of Police Duncan, of San Pablo.

Remarks: The above information was secured from labor and quarters of Culebra from information slip filled out by deceased.

Dated at San Pablo dispensary the 23d day of May, 1908.

F. R. CURNY, *District Physician.*

COPY OF TELEGRAMS SHOWING APPOINTMENT.

WASHINGTON, D. C., July 5, 1907.

J. C. COGGON,  
*Care C. S. Leet, Greenville, Pa.*

Offer you employment with Isthmus Panama \$125 a month, free bachelor quarters, transportation free New York to Colon. Subject approval your physical condition. Blank medical certificate mailed to-day which return immediately. Telegraph earliest date can sail. Awaiting further instructions.

BISHOP,  
*Secretary Canal Commission.*

JULY 10, 1907.

C. J. COGGON,  
*14 Franklin street, Greenville, Pa.*

Your appointment mailed to-morrow with instructions to sail from New York July 18.

BISHOP.

ISTHMIAN CANAL COMMISSION,  
DEPARTMENT OF EXCAVATION AND DREDGING,  
*Gorgona, Canal Zone, May 26, 1908.*

Mr. ROBERT COGGON, *Castile, N. Y.*

DEAR SIR: Referring to the death of your son, Clifford J. Coggon, of which, I understand, you were officially advised by cable, his body was prepared immediately after his death for transportation and burial. I understand that it will remain at Ancon until the authorities have had an opportunity to hear from you as to your wishes concerning its disposal. Also that his personal effects will be taken charge of by the police department on the zone.

Your son was engaged in the performance of his duty at the time of his death. I did not know him intimately, but came down on the same ship with him last summer and have been more or less in touch with him since that time. His death was due to the accidental explosion of a large charge of dynamite by lightning. It is probable that he was rendered unconscious instantaneously and suffered no pain.

He was very thorough, intelligent, and earnest in the performance of his duty and won the respect of all with whom he came in contact. His death is universally regretted by all who knew him or knew of him. His entire life here is believed to have been thoroughly upright and exemplary in every particular.

I understand that Mr. Mason, under whose immediate orders he worked, is also writing you concerning him. His friends are arranging for a memorial service at the Ancon chapel.

I think, so far as I am aware, that his closest personal friends here were Mr. Todd J. Patton, whose address is now Gorgona, and Mr. Walter Emory, clerk of the court, Ancon. I have also been spoken to concerning him by a Mr. Butler, of Gorgona, who informs me that his home is in Salamanca, N. Y., and that he and your son were planning to take their leave together in September. I have not his initials at hand, but can get them for you if you desire them.

Yourself and the other members of his family have the fullest sympathy of myself and the other employees of this division.

I understand that among his effects were found money orders aggregating somewhere in the neighborhood of \$500.

Respectfully,

EDGAR JADWIN,  
*Division Engineer.*

ISTHMIAN CANAL COMMISSION,  
DEPARTMENT OF EXCAVATION AND DREDGING,  
*San Pablo, Canal Zone, May 26, 1908.*

Mr. ROBERT COGGON, *Castile, N. Y.*

DEAR SIR: Your cable just received. I was going to write you and tell you all the sad news of your boy's death. It occurred in this way: They had been

loading dynamite in a hill, ready for blasting, and it was all ready for blasting last Friday, May 22, at 5 o'clock. Just after 1 Clifford went up there with one of the powder foremen to get some information we wanted, and while they were up there it began to get cloudy; there was just one flash of lightning and a peal of thunder; this caused a premature explosion.

We began digging for the bodies, and found them under about 2 feet of earth. We found Clifford first, and worked over him, but it was useless; he had only a little cut on his lip, and from the expression of his face I thought he must have died instantaneous. It has been a heavy blow to all of his friends here, and they were many. He was a bright boy and one of the best on my corps. But how much greater the blow must be to you all, and I scarcely know how to talk of consolation under so bitter an affliction; human consolations are weak; may a higher power do that which I can not. I helped to look up all his effects, and they have been packed and turned over to the proper authorities, ready to send to you. I trust you will all support your spirits, and look forward to the time when we shall all meet in Heaven. Accept, my dear sir, my own and all his friends' sincere condolence under your sad bereavement and affliction. Anything more I can do for you, pray command me. We are having services next Sunday before sending his body home.

Yours, respectfully,

A. P. MASON.

ISTHMIAN CANAL COMMISSION,  
DEPARTMENT OF EXCAVATION AND DREDGING,  
*San Pablo, Canal Zone,*

Mr. ROBERT COGGON, *Castile, N. Y.*

MY DEAR SIR: My wife has just written Mrs. Coggon a letter, and feeling that you would appreciate a detailed account of the accident, I will inclose these few lines with her letter.

Your son and myself were coworkers and warm personal friends and he, having relieved me only a few weeks ago when I was transferred to office work, I am very familiar with the duties he had to perform.

There is a large hill in the canal about one-half mile from the office (a picture of which I will endeavor to send you later) which is being removed by steam shovel, and to facilitate the work of excavation this hill was drilled full of holes and loaded with 30 tons of dynamite, which was to have been shot after working hours on the day of the accident, May 22. All machinery, tools, etc., had been removed a safe distance, the wires were in the holes, and except for a few minor arrangements everything was in readiness for what was generally termed the "big shot," as it was the largest amount of powder that has yet been used in any single shot on this division.

It was Mr. Coggon's duty to locate and direct the drilling of these holes to see that they were drilled the proper depth and in the right place, etc.

All this he had done some time previous before the holes were loaded. As he left the office at 1 p. m. he stated that he was going about a mile up the canal to locate some lines for tracks. When he passed the hill I have just described he sent his party—rodman, chainman, etc.—on to the place he intended to work, and he went to the summit of the hill to ask the powder man, Mr. Joseph Roach, some question concerning the amount of powder he intended to use, or the number of holes to be shot, or something of that nature. At any rate, he did not intend to be detained but about a minute, and had just reached the top, and was seen standing and talking with the powder man and his assistant when the lightning struck and exploded the dynamite. The bodies of the three men were practically buried, but by the time rescuers reached the scene, about thirty seconds, the powder man's assistant, who sustained several injuries including a broken leg, had recovered sufficiently to pull himself out of the debris, and told as near as he could remember where he and the two others were standing. The other two bodies were recovered within about twenty minutes after the explosion. So far as I could tell, Mr. Coggon's body was not bruised at all. The other was bruised pretty badly. A physician was on the scene before the recovery of the bodies, and as soon as they were found every means possible was used to revive them. The doctor pronounced both dead when recovered, but some witnesses state that life left Mr. Coggon's body a moment after its recovery. There were about 2 feet of earth over the bodies.

The lightning struck from a cloud that was quite a distance away to the north, something like three or four seconds elapsing between the flash and the thunder. It came without warning, and I believe was the only flash that day.

Had the cloud looked dangerous, I am sure that Mr. Roache would not have remained on the hill himself nor allowed anyone else to do so, for he had told some one a day or so before that he would not stay near it during a thunder storm.

I was at work on the piazza at the office, and this one flash of lightning was the first I knew of a storm cloud anywhere. The cloud was just visible above the horizon. Simultaneously with the flash came the tremor and then the report of the explosion and lastly the thunder. Everyone seemed to know what had happened, as we knew everything was in readiness to touch the battery after 5 p. m.

I have described in detail—the best I can—conditions and circumstances bearing on the accident; I sincerely hope that my account of it will be clear to you.

There is a locomotive engineer here from Gainesville, who is acquainted with you. He and your son would exchange papers with each other—one received the Gainesville paper and the other the Castilian. His name is Fred Robinson, and he has a brother in Gainesville, Vanamber Robinson. I told him I intended to write you, and he came by the house this afternoon and gave me his brother's address and told me to say to you that he would be home in September and would see you. He knew your son very well, and was an eyewitness, I believe, to the accident.

Offering you my heartfelt sympathy in your inconsolable grief, I am,

Yours, very sincerely,

M. M. Cook.

ISTHMIAN CANAL COMMISSION,  
Washington, May 25, 1908.

Mr. ROBERT COGGON,  
Castile, N. Y.

SIR: I regret to have to confirm the telegram sent you by this office under today's date, reporting the death of your son, Mr. Clifford J. Coggon, and have received your reply requesting that the remains be sent to you at Castile. Accordingly the authorities on the isthmus have been cabled to forward the remains to this country, and to advise this office when shipment is made. As soon as definite information is received as to the date of shipment you will be promptly advised as to the probable date of arrival in New York, and arrangements will be made by this office through the Panama Railroad Company, 24 State street, New York City, for the expressing of the remains to Castile. The relatives or friends should, of course, arrange to secure the burial permit from the proper authorities of the place where interment will be made, and all funeral expenses incur after the arrival of the remains in Castile must be paid by the relatives of the deceased.

The only information this office has thus far received regarding the death of Mr. Coggon was that contained in the cablegram dated May 23, 1908, of which the following is a copy:

"Clifford J. Coggon, employed charges division, accidentally killed yesterday. Notify his father, Robert Coggon, Castile, N. Y."

No advice has been received as yet as to whether the deceased left an estate in the Canal Zone, but should he have left anything of a sentimental or other nature of which his heirs or personal representatives would desire to obtain possession the information contained in the inclosed printed letter of instruction will be of assistance in securing same. Special attention is therefore invited to the instructions contained therein as to the inclosed blank forms—"Proof of heirship"—which should be executed in triplicate by some disinterested person conversant with the family history of, but not related to, the deceased, and forward to this office, after being acknowledged before a notary public and attested by his seal, for transmission to the collector of revenues of the Canal Zone, who, under the law, is designated to administer the estates of employees who die in the Canal Zone, where the value thereof does not exceed \$500, and no part thereof is real estate.

In case there be more than one heir to the estate, particular attention is called to the third paragraph of the letter of instruction relative to the heirs coming to an agreement as to the proper person to whom the proceeds of the estate should be sent. Such agreement, signed by the heirs and acknowledged before a notary public, should be transmitted to this office with the proofs of heirship as soon as executed.

Very respectfully,

H. F. HODGES,  
Lieut. Col., Corps of Engineers, U. S. Army,  
Chief of Office.

HEIRS OF WILLIAM HENRY VAN GURP AND OTHERS.

NAVY DEPARTMENT,  
Washington, May 7, 1910.

SIR: Referring to the bill (H. R. 20774) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19, 1903, by the payment of \$5,000, respectively, to the heirs of William Henry Van Gulp, Gustav Doser, John Mason, Frederick Munder, James Clancey, and John Rothar, I have the honor to inclose herewith copies of the proceedings of a board of inquest held at Fort Lafayette at 4 p. m. on February 19, 1903, and a board of investigation held at the navy-yard, New York, at 10.30 a. m. on the 20th of February, that inquired into the circumstances attending the explosion at Fort Lafayette on the 19th of February, as a result of which the above-mentioned men, whose heirs are provided for in the bill, lost their lives.

From the testimony taken by these boards it appears that the explosion was caused by the use of too much force by John Rothar, one of the victims, in chiseling an 8-inch shell to remove the fuse, but this fact does not deprive this sad occurrence of its accidental character or affect in any way the claim of the heirs of the victims to relief.

John Rothar was a second-class ordnance man, receiving pay at the rate of \$3.04 per diem; W. H. Van Gulp, Gustav Doser, John Mason, and Frederick Munder were fourth-class ordnance men, receiving pay at the rate of \$2.48 per diem; and James Clancey was a first-class laborer, receiving pay at the rate of \$2 per diem.

The department, having in view the provisions of the act of May 30, 1908, providing for the compensation of employees of the Government for injuries sustained in the course of their employment, which does not apply, however, to cases of injury that occurred prior to the passage of the act, makes no recommendation in this case, preferring to leave to the judgment of the committee the question as to whether relief should be granted; and if so, to what extent.

Very respectfully,

R. F. NICHOLSON, *Acting Secretary.*

HON. GEO. W. PRINCE,  
*Chairman Committee on Claims,  
House of Representatives.*

---

[Record of proceedings of a board of investigation convened at the navy-yard, New York, by virtue of an order signed by Rear-Admiral A. S. Barker, U. S. Navy, commandant, navy-yard and station, New York.]

*First day.*

NAVY-YARD, NEW YORK,  
*Friday, February 20, 1903—10.30 a. m.*

The board met pursuant to the above-mentioned order.

Present: Commander J. B. Briggs, U. S. Navy; Commander C. A. Adams, U. S. Navy; P. A. Surg. R. W. Plummer, U. S. Navy.

The order convening the board was read, and the board decided upon its course of procedure.

Gunner J. C. McDermott, U. S. Navy, in charge of naval magazine, Fort LaFayette, New York Harbor, was called before the board and testified as follows:

Q. Give to the board all information you have regarding the explosion at Fort LaFayette on the afternoon of February 19, 1903.—A. About 2 p. m. on the 19th of February, 1903, I was sitting in my office at Fort LaFayette making a report to the inspector of ordnance, navy-yard, New York, James V. Tierney, leading man, having come to the office a few minutes previously. Of a sudden we heard an explosion. We both ran into the fort through the sally port, but did not know which way to run, as the entire place was filled with smoke. I sounded the fire alarm and sung out to my clerk, Mr. Jenison, to call up Fort Hamilton and ask for immediate surgical assistance. After some difficulty the door of the shell-filling house, where the explosion appeared to have taken place, was broken down, and Tierney lead the hose in and turned a stream of water on the fire. In the meantime Martin T. Torgerson, one of the workmen, came out through the window of the filling house, and I pulled him out of the snow. As soon as we got into the filling house we began taking the injured men out. Charles Lohmiller, E. B. McMullen, James V. Tierney, and myself

carried out James Clancy, William H. Van Gulp, and Frederick Munder, who were injured. In the filling house we found dead: John Rother, Gustav Doser, and John Mason. We put the fire out, and the bodies were taken and placed in an adjoining casemate. Surgeons and attendants had arrived from Fort Hamilton and the injured were removed to the army hospital at that place.

Q. State what you know about the cause of the accident.—A. When I got into the filling house I saw an 8-inch shell which had exploded, the fracture being about one-third the length of the shell from the point. Before the accident there had been about 150 pounds of powder which had been removed from shell, and was contained in three cans, about 15 feet away from the exploding shell, in the embrasure next the sea wall. Van Gulp said to me: "Rother is dead, is he not? I told him not to do it, and Rother said, 'I know what I am doing; I don't want to die just yet.'"

Q. Have you at the naval magazine, Fort La Fayette, a copy of United States Navy Regulation Circular No. 115 of October 27, 1892, and have all the requirements of said order been carried out, especially the instruction on page 13, concerning the removal of fuses?—A. Yes, sir.

Q. Were the men employed upon this work men of long experience in such work?—A. Every man was an experienced man, and, with the exception of John Mason, who had been employed at Fort La Fayette for upward of ten years, was an ex-man-of-warman.

Q. Were these men acquainted with the regulations in regard to this particular work?—A. Yes, sir; absolutely.

Q. How long had John Rother, to your knowledge, been employed in fusing and unfusing shell?—A. Off and on two years.

Q. How long has this particular job or work been going on?—A. Six of seven working days, extending over about three weeks.

Q. Have these same men been employed?—A. Yes, sir; practically the same force.

Q. On page 9 of United States Navy Regulation Circular No. 115 of October 27, 1892, the following appears: "Not more than one barrel of powder will be kept unheaded while projectiles are being filled or emptied. The gunner must be present at all times when projectiles are being filled or emptied, and work will cease during his absence." Were the provisions of that paragraph carried out?—A. Yes, sir; generally. On this particular occasion I had left the filling house some minutes before to go to my office, which is about 150 feet from the scene of the accident, to communicate with the inspector of ordnance, navy-yard, New York. I have already stated that there were three 100-pound cans, each about one-half full of powder, in the filling house.

(The testimony was read to the witness, pronounced by him correct, and the witness withdrew.)

Charles Lohmiller, ordnanceman, fourth class, was called before the board, and testified as follows:

Q. State what you know about the explosion at Fort La Fayette, New York Harbor, on the 19th of February, 1903.—A. I was in the shell-filling house with the following-named men, who were ordered to unload 8-inch shell which had been received from the U. S. S. *Brooklyn*: John Rother, ordnanceman, second class; Gustav Doser, ordnanceman, fourth class; Frederick Munder, ordnanceman, fourth class; William H. Van Gulp, ordnanceman, fourth class; John Mason, ordnanceman, fourth class; E. B. McMullen, ordnanceman, fourth class; Martin T. Torgerson, ordnanceman, fourth class, and James Clancy, first-class laborer. I was at the workbench fitting a pin to be used in the fuse wrench, the other having been broken. Suddenly there was an explosion. The house was filled with smoke, so that it was impossible to see anything. Something struck me on the leg. I heard cries from some of the other men. I felt my way in the direction of the cries and found and carried three men out through the door to the sea wall. I do not know what directly caused the explosion.

(The testimony was read to the witness, pronounced correct, and the witness withdrew.)

E. B. McMullen, ordnance man, fourth class, was called before the board and testified as follows:

Q. State all you know about the explosion at Fort La Fayette, New York Harbor, on the 19th of February, 1903.—A. Just previous to the accident I heard Van Gulp say to Rother, "Don't hammer so hard with the chisel;" and Rother said, "I know how far I am hammering down and don't want to die

just yet." About five minutes after that an explosion occurred. I was thrown on my face, and my right hand was injured by a piece of shell. I was between 6 and 7 feet away from Rothar, who was extracting a fuse from an 8-inch shell. Immediately after the explosion I could see nothing for smoke. I tried to get to the door and drag Torgerson, who was wounded, with me. I broke the window with my fist to let in air, and Torgerson jumped out of the window. I got out in about two minutes. I came back and helped put out the fire, and saw Lohmiller pulled out of the window of the filling house. To my knowledge an 8-inch shell and some powder cans probably exploded. I do not know the direct cause of the explosion.

(The testimony was read to the witness, pronounced correct, and the witness withdrew.)

James V. Tierney, leading man, was called before the board and testified as follows:

Q. State what you know about the explosion at Fort La Fayette, New York Harbor, on the 19th of February, 1903.—A. The following men, John Rothar, Gustav Doser, Frederick Munder, William H. Van Gorp, John Mason, E. B. McMullen, Charles Lohmiller, Martin Torgerson, and James Clancy were in the filling house, having been ordered by Gunner J. C. McDermott, U. S. Navy, to unload 8-inch shell received from the *Brooklyn*. The usual precautions had been taken, and all of the men above named were men of experience in this work, and being additionally ex-men-of-wars-men, with the exception of John Mason, who was an old ordnance man. Everything was being properly conducted. I had just left the filling house to make a report to the gunner in charge, who was in his office, when an explosion took place. We broke open the door of the filling house, got out the hose and put the fire out, and found John Rothar, John Mason, and Gustav Doser dead, and W. H. Van Gorp, Frederick Munder, Martin T. Torgerson, James Clancy seriously injured, and Charles Lohmiller and E. B. McMullen slightly injured. The gunner, Charles Lohmiller, E. B. McMullen, and I removed the bodies of the dead and assisted the seriously wounded to get out.

(The testimony was read to the witness, pronounced correct, and the witness withdrew.)

There were no further declarations to be introduced by the board.

The board, after full and mature deliberation upon the declarations above recorded, finds the following facts to be established:

The work going on at the time of the explosion was duly authorized work, and was being conducted in the regular assigned place for such work, the filling house and apartment bounded by the outer walls of the fort and heavy inner walls.

An explosion occurred about 2 p. m., February 19, 1903, in this shell-filling house, which proved to be that of an 8-inch shell, which had been removed from other shell.

The accident seems undoubtedly to have been caused by the use of undue force in removing the fuse of an 8-inch shell.

The results of the explosion were: Instantaneous death of John Rothar, Gustav Doser, and John Mason; the serious wounding of Frederick Munder. William H. Van Gorp, Martin T. Torgerson, and James Clancy, two of whom (Munder and Van Gorp) died later in the day at the army hospital, Fort Hamilton, N. Y. E. B. McMullen and Charles Lohmiller were slightly wounded.

The damage to the building was: About one-third of the roof carried away and the rest of the roof probably badly damaged, the vestibule door broken, and windows smashed. Extent of damage from \$100 to \$200.

The board wishes to call attention to the prompt and creditable work performed by Gunner J. C. McDermott, U. S. Navy; James V. Tierney, leading-man, and Charles Lohmiller and E. B. McMullen, ordnance men, 4th class, in putting out the fire and rescuing the wounded—Lohmiller and McMullen being themselves wounded.

J. B. BRIGGS,  
Commander, U. S. Navy.

CHARLES A. ADAMS,  
Commander, U. S. Navy.

R. W. PLUMMER,  
P. A. Surgeon, U. S. Navy.

Approved and forwarded:

A. S. BARKER,  
Rear-Admiral, U. S. Navy, Commandant Navy-Yard and Station.

[Record of proceedings of a board of inquest to investigate the circumstances attending the death of John Rothar, ordnanceman, second class, at Fort Lafayette, N. Y., on February 19, 1903. Convened by order of Rear-Admiral A. S. Barker, U. S. Navy, commandant navy-yard and station, New York.]

UNITED STATES NAVAL MAGAZINE,  
*Fort Lafayette, N. Y., February 19, 1903—4 p. m.*

At a board of inquest assembled by order of Rear-Admiral A. S. Barker, U. S. Navy, commandant navy-yard and station, New York, on February 19, 1903, on the body of John Rothar, ordnanceman, second class:

Present: Commander J. B. Briggs, U. S. Navy, president; Commander C. A. Adams, U. S. Navy, member; Passed Asst. Surg. R. W. Plummer, U. S. Navy, member.

The order convening the board was read and appended to the record, and the board having viewed the body proceeded to take the following evidence:

Charles Lohmiller was called before the board and testified as follows:

Q. Tell all you know about the death of John Rothar, ordnanceman, second class.—A. I was in the filling house with the following-named men, who were ordered to unload 8-inch shell which had been received from the U. S. S. *Brooklyn*: John Rothar, second-class ordnanceman; Gustav Doser, Frederick Munder, W. H. Van Gorp, John Mason, E. B. McMullen, and Martin T. Torgerson, all fourth-class ordnancemen; and James Clancy, first-class laborer. I was at the workbench fitting a pin to be used in the fuse wrench, the other one having broken. Suddenly there was an explosion. The house was filled with smoke so that it was impossible to see anything. Something struck me on the leg. I heard cries from some of the other men, and felt my way in the direction of the cries and carried three men out through the door to the sea wall. I do not know what directly caused the explosion.

(The testimony was read to the witness, pronounced correct, and the witness then withdrew.)

E. B. McMullen, fourth-class ordnance man, was called before the board, and testified as follows:

Q. State what you know about the death of John Rothar.—A. Just previous to the explosion I heard Van Gorp say to Rothar: "Don't hammer so hard with that chisel," and Rothar said, "I know how far I am hammering down, and don't want to die just yet." About five minutes after that an explosion occurred, and I was thrown on my face and my right hand was injured by a piece of shell. I was between 6 and 7 feet away from Rothar, who was extracting a fuse from an 8-inch shell. Immediately after the explosion I could not see anything for smoke, and I tried to get to the door and drag Torgerson, who was wounded, with me. I broke the window with my fist to let in air, and Torgerson then jumped out of the window. I got out in about two minutes. I came back to help put out the fire, and saw Lohmiller pulled out of the window of the shell-filling house. To my knowledge, an 8-inch shell and some powder cans, probably, exploded. I do not know the direct cause of the accident.

(There being no other witness that could be procured the proceedings closed.)

The board, from a view of the body, and from the evidence before it is of the opinion that John Rothar, ordnance man, second class, was killed by an explosion of an 8-inch shell from which a fuse was being removed, and where undue force was undoubtedly being used in its removal. The death of John Rothar occurred in the performance of his regular and legitimate duties.

J. B. BRIGGS,  
*Commander, U. S. Navy.*  
CHARLES A. ADAMS,  
*Commander, U. S. Navy.*  
R. W. PLUMMER,

*Passed Assistant Surgeon, U. S. Navy.*

Approved and forwarded:

A. S. BARKER,  
*Rear-Admiral, U. S. Navy, Commanding.*

NAVY-YARD,  
*New York, February 19, 1903.*

GENTLEMEN: In accordance with article 1774, U. S. Navy Regulations, you are hereby appointed a board to carefully inquire into and report upon the

circumstances which led to an explosion occurring at Fort Lafayette, New York Harbor, to-day.

Submit your report, in duplicate, without delay.

Very respectfully,

A. S. BARKER,  
Rear-Admiral, U. S. Navy,  
Commandant Navy-Yard and Station.

Commander J. BRIGGS, U. S. Navy; Commander C. A. ADAMS, U. S. Navy;  
Passed Asst. Surg. R. W. PLUMMER, U. S. Navy.

---

PETE JELOVAC.

*To the Senate and House of Representatives of the United States in Congress assembled.*

GENTLEMEN: The petition of Pete Jelovac, sometimes spelled "Jelovatz," respectfully presents that he is 28 years of age, and that prior to July 17, 1906, your petitioner was able-bodied, in perfect health mentally and physically, and by reason of his employment as a machine man, operating power drills in quarries, mines, and elsewhere, earned for his labor the sum of \$4 per day.

That on the 17th day of July, 1906, petitioner was employed at river portal, the east portal or intake of the Gunnison Tunnel of the Uncompahgre Valley, Reclamation Service of the United States, in Colorado.

That he had been working in said service for about four months prior to the said 17th day of July, 1906; that on the said 17th day of July, 1906, petitioner was working on what is known as the day shift, operating a drill, and between the hours of 1 and 2 o'clock, as near as petitioner can fix the hour, two men were putting dynamite into a drill hole, tamping it down with a wooden tamping bar.

Petitioner was standing a few feet, to wit, about 4 feet, back of the men thus engaged in putting the powder into the drill hole aforesaid, waiting for them to finish their part of the work, that petitioner might drill again, when, without notice and through no fault of petitioner or without apparent reason therefor, the powder exploded and caused a terrific explosion, in which two persons were killed, and your petitioner received injuries from the said explosion which have resulted in the entire loss to your petitioner of the sight of both his eyes.

That your petitioner was terribly lacerated by fragments of rocks, the result of all of which is that your petitioner is totally blind, without means of support, and, at present, totally dependent upon charitable friends for his maintenance. That the said injury to affiant was occasioned through the servants and agents of the United States, who carelessly and negligently tamped the dynamite aforesaid into the drill hole aforesaid, and was not caused by or contributed to in any way by your petitioner, or through any carelessness, negligence, or want of care or precaution on the part of your petitioner; and your petitioner having no training or education for any work that can be done by the blind, will be for the balance of his life totally dependent upon charity unless the United States shall relieve him financially and thus prevent his dependence upon private charity.

Wherefore your petitioner prays that he may be allowed to prosecute his case according to law before the United States Court of Claims, with a view to presenting the facts to the Congress of the United States, with a further view of securing from the Congress of the United States financial relief, made necessary by his total disability, occasioned in manner and form as aforesaid.

Petitioner prays, therefore, that he be allowed to file as a part of this petition the affidavits of Mike Marskovich, W. H. Davis, Anton Klobucur, John Jelovac, and the affidavit of petitioner heretofore made on the 2d day of May, A. D. 1907, which are hereto annexed.

PETE (his x mark) JELOVAC.

Witnesses:

L. PEZEL.

RICHARD A. CURTIN.

Subscribed and sworn to before me this 2d day of January, A. D. 1907.

[SEAL.]

RICHARD A. CURTIN,  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
Washington, January 16, 1909.

Hon. J. M. MILLER,  
*Committee on Claims,*  
*House of Representatives.*

SIR: I beg to acknowledge receipt by your reference of a copy of H. R. 12042, entitled "A bill for the relief of Pete Jelovac," on account of injuries received by the premature discharge of dynamite while employed on the Gunnison Tunnel, Colorado, under construction by the Reclamation Service.

The matter has been submitted to the Director of the Reclamation Service for investigation, upon the completion of which prompt report will be made.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
*Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, January 30, 1909.

Hon. J. M. MILLER,  
*Committee on Claims, House of Representatives.*

SIR: In further reply to your note of January 14, referring copy of H. R. 12042 for a statement of facts and opinion touching the merits of the claim of Pete Jelovac for injuries received while engaged as an employee of the United States on the Uncompahgre project, Colorado, under the reclamation act, I beg to report as follows:

Jelovac, an Austrian, about 26 years of age, was employed on the Gunnison Tunnel as a drillman, receiving \$4 per day, and was, on July 17, 1906, injured by a premature explosion, both eyes being blown out, and he was otherwise severely bruised. At the same time two men were killed and four others were hurt, but not seriously.

How the accident occurred is not known, as the man who was tamping the hole was killed.

The following is an extract from the testimony of the tunnel superintendent at the coroner's inquest on the body of one of the dead:

"I was outside when the accident occurred. I went at once into the heading. In blasting, the powder is taken first from the powder house and thawed. Then the powder monkey cuts the fuses in the proper lengths and attaches a cap to each fuse. He then makes a hole in a stick of powder and inserts the cap, with the fuse attached. This stick of powder is called a 'primer.' The primers are carried into the tunnel in a separate box from that in which the powder is carried. In loading holes usually two sticks are put into the bottom of the hole and tamped. The third stick is the primer. The sticks of powder are always split, in order to allow the powder to expand when tamped and fill the hole full. The primer is not split, in order to keep the cap covered. Primers should not be tamped hard. The next stick which is placed on top of the primer is pressed firmly to expand the powder and fill the hole. My opinion is that they must have jammed the cap against the side of the hole by tamping.

"I do not know positively in this case, but am very sure from the practice which has always been followed on this work that only two sticks and the primer were in the hole at the time of the explosion. I do not believe there was undue haste, because the men were through ahead of time. The force used in tamping consists in pressing the powder into the hole gently. I have frequently cautioned men against ramming the powder into place. I have never seen any ramming done. The powder used on this work is all new; the fuse and caps are new and are the best on the market. There was no faulty condition of materials nor carelessness in the preparation of loads, so far as I am aware. I watch this very carefully. Wooden sticks are always used, made of Texas pine, 8 feet long by 1½ inches in diameter.

"There is never any metal used in the tamping rods. The state law forbids the use of metal tamping rods. If any metal rods are used, it is against orders and is unknown to the officers. I think Beth was handling the powder, as indicated by his injuries, which would be accounted for by the position which he would necessarily take in loading that hole. I helped to carry Beth out. He was alive when lifted up, but did not speak, and died before reaching camp."

The coroner's jury found that the cause of the explosion was unknown.

In the judgment of this office Jelovac is entitled to relief for the injuries received. Under the act of May 30, 1908 (35 Stat., 556), if his accident had occurred after August 1, 1908, he would be entitled to one year's pay, or the sum of \$1,460.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
*Secretary.*

---

PETER CORNICK.

UNITED STATES NAVY-YARD,  
Norfolk, Va., May 9, 1910.

GENTLEMEN: Replying to your letter of the 7th, at the time of the accident referred to therein Mr. Peter Cornick was rated as a first-class machinist's helper. At that time (December 2, 1901) the pay of a first-class machinist's helper was \$1.76 per diem.

Very respectfully,

F. M. BARSTOW,  
*Acting Recorder Board of Labor Employment.*

MESSRS. HUBARD & HUBARD,  
*Attorneys at Law, No. 50 Bank Street, Norfolk, Va.*

---

NAVY DEPARTMENT,  
Washington, April 16, 1902.

SIR: Referring to your communication of the 3d instant, in which you inclosed a copy of a bill (H. R. 12374) for the relief of Mary Cornick, widow of Peter Cornick, with request for the facts in the case and the department's views with regard to the measure, I have the honor to transmit herewith copies, furnished by the commandant of the navy-yard, Norfolk, Va., who was called upon for information in the matter, of certain official reports and correspondence on the files of the yard under his command, showing fully the circumstances under which Cornick, while at work in the department of steam engineering at that yard, was, on the 2d of December last, accidentally killed.

The head of the department mentioned, in an indorsement of the 10th instant, says:

"Cornick was undoubtedly killed in line of duty, and if any provisions can be made for navy-yard workmen, it is recommended that his family receive a pension.

"Cornick was a good and faithful workman, and was killed in the execution of his duties."

From the information herewith furnished, the committee will be able to determine, in accordance with its practice in similar cases, whether relief, and if so, in what amount, should be granted.

Very respectfully,

JNO. D. LONG, *Secretary.*

HON. JOSEPH V. GRAFF,  
*Chairman Committee on Claims,  
House of Representatives.*

---

NAVY-YARD,  
Norfolk, Va., December 2, 1901.

SIR: In obedience to your orders of this date in reference to the killing of Peter Cornick, machinist's helper on board the U. S. S. *Texas* this day I have to report as follows:

1. While hoisting the L. P. steam-pressure valve-chest cover into position preparatory to replacing same, the trolley-adjusting screw was worked out of its bearings on boss of traveler, allowing the cover to drop to the crank shaft below.

2. In addition to this trolley connection two differential chain falls had been used, one on each corner, but just prior to the accident both had been slacked off, the finer adjustment to be done by hand and screw lift in conjunction with trolley.

3. The trolley hoist was not, unfortunately, watched, it being supposed to be secured by nut and cotter pin, thereby limiting its extension of lift.

Such was not the case; the leading screw gradually unscrewing at top, allowing the cover to drop for lack of support.

4. Proper provisions for split pins had been made, but not observed, as there were no signs of a cotter having been placed in the holes.

5. Mr. D. R. Willis, machinist, all around, first class, was in charge at the time of the accident, and at that time standing in the upper engine room sighting the holes for adjustment. With him, handling the hoist and adjusting the covers, were A. Walker, Armstead Goodman, N. Harding, and A. Jones, all laborers and all on upper platform.

Mr. R. W. Wood, machinist, first class, was working on outboard side of ship. P. L. Hoarn, machinist helper, was standing by blowers. Neither of these two had any cognizance of the accident.

The deceased, Peter Cornick, was engaged below this steam-chest cover, working upon the thrust-shaft block of the main engine, directly under the cover.

Upon the parting of securing tackle of valve-chest cover, he was caught beneath the falling cover and crushed apart, across the middle.

Very respectfully,

KENNETH MCALPINE,  
*Lieutenant, U. S. Navy.*

To Commander R. W. MILLIGAN, *U. S. Navy,*  
*Head of Steam Engineering Department, Navy-Yard, Norfolk, Va.*

[First indorsement.]

NAVY-YARD, *Norfolk, Va., December 2, 1901.*

Respectfully forwarded to the commandant.

It appears that the death of Peter Cornick, machinist helper, this morning on the U. S. S. *Texas* was due to the carelessness of D. R. Willis, machinist, all around, first class, who was in charge of the work at the time.

Unless the commandant desires a regular investigation by a board of this accident, I recommend that D. R. Willis, machinist, all around, be discharged for carelessness.

R. W. MILLIGAN,  
*Commander, U. S. Navy,*  
*Head of Steam Engineering Department.*

UNITED STATES NAVY-YARD,  
*Norfolk, Va., December 2, 1901.*

SIR: I have to report the following accident occurring in the yard:

Name, Peter Cornick; rate, helper; department, steam engineering; date, December 2; place, U. S. S. *Texas*; nature of injury, crushed by low-pressure valve bonnet falling upon him; disposition of case, instant death; cause of injury, accidental displacement of bolt; origin, duty.

Witness to the accident, R. W. Wood.

Very respectfully,

H. T. PERCY,  
*Surgeon, U. S. Navy.*

C. S. COTTON, *Commandant.*

UNITED STATES NAVY-YARD,  
*Norfolk, Va., December 3, 1901.*

SIRS: You are hereby appointed a board to investigate the accidental death of Peter Cornick, machinist's helper, while at work on board the U. S. S. *Texas*, on December 2, 1901.

2. Your report will be made in writing, stating fully, clearly, and as concisely as possible all the facts and circumstances connected with the case, together with any recommendations you may deem proper to make, and whether, in your opinion, any person or persons were responsible for his death, through carelessness or otherwise.

3. The investigation will be made in accordance with the instructions contained in section 6, article 1774, Navy Regulations of 1900.

4. Your report will be made in duplicate.
5. I inclose herewith for your information report made on the case by Lieut. Kenneth McAlpine, U. S. Navy, which you will attach to the original and a copy to the duplicate of your report.

Very respectfully,

C. S. COTTON,

*Rear Admiral, U. S. Navy, Commandant.*

Capt. GEORGE A. BICKNELL, U. S. Navy; Surg. H. T. PERCY, U. S. Navy; Lieut. KENNETH MCALPINE, U. S. Navy.

UNITED STATES NAVY-YARD,

Norfolk, Va., December 6, 1901.

SIR: 1. In obedience to your order of December 3, 1901, we have carefully investigated the circumstances attending the accidental death of Peter Cornick, machinist helper, steam engineering department, which occurred on December 2, 1901.

2. About 9.50 a. m., on December 2, 1901, Cornick was killed while at work on the starboard thrust shaft bearing of the U. S. S. *Texas*, by the dropping upon him of the S. L. P. main steam valve chest cover.

3. The declaration of Mr. D. R. Willis, machinist, first class, all around, who was in charge of the working party, was in effect as follows:

"There is on the *Texas* a permanent trolley track, secured to deck beams overhead, and passing through the plane of the axes of the main engines, with a roller traveler and leading screw, designed to take the weights of cylinder heads, covers, etc. While hoisting the S. L. P. valve chest cover into place, the leading screw of trolley hoist was worked out from its bearings in the traveler head, leaving the cover unsupported and allowing it to drop to the engine shaft below, catching Cornick between it and the shaft. This leading screw is provided with nut at upper end, with cotter pin extending through nut and screw. When this trolley hoist was examined, the holes for cotter pin were choked and filled with grease, and not noticeable. On the port side, the cotter pin extended through screw and over top of nut. The accident was caused by the nut working off.

"In hoisting this cover up into approximate position three chain tackles were used, one on each corner and one in center of cover. These tackles were necessarily unhooked when cover was in approximate position, leaving the strain on trolley hoist alone. I attribute the accident to the leading screw working so hard below.

"At the time of the accident I was busy sighting the holes in cover to see that they came square with the bolts. I did not know that anyone was working beneath the cover. I had many times previously cautioned people not to work underneath when we were hoisting covers. I did not know that anyone was below the cover at the time of the accident.

"There was no officer, outside foreman, quartermaster, or leadingman present at the time."

4. Mr. R. B. Wood, machinist, first class, then testified that he was working, fitting up the starboard thrust bearing of the main engine in lower engine room. Further, that for three weeks past he had been engaged in the same class of work, and it had been the custom to warn men to stand clear when hoisting heavy weights above. The deceased, Peter Cornick, machinist's helper, was engaged in work on the thrust-bearing shaft, under his supervision. That at the time of the accident no warning had been given to stand clear of the shaft, and that he himself had just stepped clear of the shaft to allow Cornick to work, when the cover dropped.

"These warnings to stand clear were usually given by the rigger, machinist in charge, his helper, and sometimes a laborer.

"That some days ago the riggers had been cautioned by him, owing to the dropping of a chain fall near his place of work. Further, that, in his opinion, the accident might have happened even under the supervision of an officer or foreman, and that, having implicit confidence in the judgment and ability of Mr. Willis, he worked under him without fear."

5. After due consideration of the declarations made by the witnesses, the board is of the opinion that the accident was due to the fact that the cotter pin had not been put in place, which fact should have been ascertained by the machinist in charge of the work, Mr. D. R. Willis, prior to the adjustment of cover.

6. The ordinary and routine warning to "stand clear" had not been given to the people working below the upper engine room platform at the time of the accident.

7. It is impracticable to detail an officer, a foreman, or quartermaster to supervise at all times work incidental to such repairs on each ship, owing to the limited number of persons available for such duty at this navy-yard. The board, therefore, deems that D. R. Willis, machinist first-class, all round, being in charge of the work is responsible for the absence of the cotter pin, and also for the omission of the customary warning to those below to "stand clear," and, to this extent, he is partially responsible for the death of Peter Cornick, machinist's helper. Nevertheless, the machinist's helper, Cornick, placed himself directly under the suspended cover, and was partially responsible for his own death, because of the hazard he knowingly incurred in working under the suspended weight.

Considering all the circumstances, the character and conduct of D. R. Willis, machinist first-class, all around, during the past eighteen months, the board does not concur in the recommendation of the Chief Engineer before this board that D. R. Willis, machinist first-class, all around, be discharged; but does recommend that D. R. Willis, machinist first-class, all around, be suspended for three months without pay for failing to use sufficient precautions to avoid accident in handling heavy weights.

Respectfully,

GEORGE A. BICKNELL,  
*Captain, U. S. Navy.*  
H. T. PERCY,  
*Surgeon, U. S. Navy.*  
KENNETH MCALPINE,  
*Lieutenant, U. S. Navy.*

The COMMANDANT NAVY-YARD,  
*Norfolk, Va.*

(The order of the commandant, dated December 3, 1901, appointing this board, and the report on this case by Lieut. Kenneth McAlpine, U. S. Navy, indorsed by Commander R. W. Milligan, U. S. Navy, headquarters steam engineering department, are attached.)

NAVY-YARD,  
*Norfolk, Va., December 10, 1901.*

SIR: 1. In obedience to your verbal order of to-day, the following is respectfully submitted concerning the workmanship and conduct of Mr. D. R. Willis, machinist, all round, first class.

2. Mr. D. R. Willis, machinist, all around, has been employed in steam engineering department of this yard since May 16, 1900. Was rated from second to first class June 11, 1900.

Conduct excellent. Workmanship excellent.

3. His workmanship has been very high in degree, being one of the best of those marked "excellent."

Very respectfully,

R. W. MILLIGAN,  
*Commander, U. S. Navy,*  
*Headquarters Steam Engineering Department.*

To the COMMANDANT NAVY-YARD,  
*Norfolk, Va.*

PATRICK MURPHY.

NAVY DEPARTMENT,  
*Washington, April 19, 1910.*

MY DEAR CONGRESSMAN: I have the honor to acknowledge receipt, by your reference of the 16th instant, of a copy of a bill (H. R. 13632) for the relief of Patrick Murphy, by paying him the sum of \$5,000 as compensation for permanent injuries received by him on July 26, 1906, while employed as a blacksmith's helper in the Charlestown Navy-Yard, Boston, Mass.

This matter will receive the department's prompt attention, and an expression of its views as to the merits of the claim will be communicated to you at an early date.

Faithfully, yours,

BEEKMAN WINTHROP,  
*Assistant Secretary.*

HON. GEORGE W. PRINCE, M. C.,  
*Chairman Committee on Claims,  
House of Representatives.*

NAVY DEPARTMENT,  
*Washington, May 12, 1910.*

SIR: Referring further to the bill H. R. 13682, for the relief of Patrick Murphy, by paying him \$5,000 as full compensation for the loss of the four fingers of his right hand as the result of the dropping on his hand of a trip hammer July 26, 1906, while he was employed as a blacksmith's helper in the navy-yard, Boston, Mass., I have the honor to say that the records of the yard show that Murphy was injured as stated in the bill; that on account of this accident he was discharged August 6, and was out of employment two months and two days; and that since his return to work, October 8, 1906, he has been given constant employment at the same rating held by him at the time of his accident with the exception of about five weeks, when he was out because of lack of work.

Inasmuch as Murphy did not lose rating or employment except for the two months immediately following his injury \$5,000 would seem to be a rather liberal allowance.

The department, having in view the provisions of the act of May 30, 1908, providing for the compensation of employees of the Government for injuries sustained in the course of their employment, which does not apply, however, to cases of injury that occurred prior to the passage of the act, makes no recommendation in this case, preferring to leave to the judgment of the committee the question as to whether relief should be granted, and if so, to what extent.

At the time of the accident Murphy was receiving pay at the rate of \$2 per diem.

Very respectfully,

R. F. NICHOLSON, *Acting Secretary.*

HON. GEORGE W. PRINCE, M. C.,  
*Chairman Committee on Claims, House of Representatives.*

EDWARD M. RILEY.

[Evening Telegram, February 20, 1908.]

CALLS POST-OFFICE ELEVATOR UNSAFE—CORONER SCHWANNECKE, OF THE BRONX,  
WRITES TO ENGINEER OF FEDERAL BUILDING URGING SAFEGUARDS.

Sharply criticising as dangerous to life and limb conditions which prevail in connection with the freight elevator at the general post-office in the federal building, Coroner Schwannecke, of the Bronx, to-day sent a letter to Albert B. Fry, chief engineer for the Government in this city, urging the latter to adopt necessary safeguards.

The latter followed a visit of the coroner to the federal building, whither he went to investigate the causes of an injury which resulted in the death of Edward M. Riley, 44 years old, a clerk employed in the post-office and living at White Plains and Van Ness avenues, the Bronx. Riley was crushed against the ceiling by an elevator as he was stepping across an open shaft.

He died on February 11 in the Fordham Hospital, following an operation. The coroner will hold an inquest to-morrow.

CHURCH OF OUR LADY OF SOLACE, NEW YORK CITY,  
*Van Ness, January 20, 1909.*

HON. JOSEPH GOULDEN.

DEAR COLONEL: Inclosed please find the affidavits and information you requested regarding the Reilly case. I trust they have been filled out properly.

With renewed good wishes, I am,

Very sincerely, yours,

DANIEL J. CURLEY.

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, March 11, 1910.

Hon. J. A. GOULDEN, *House of Representatives.*

MY DEAR SIR: With reference to your telegram of this date relative to Edward M. Riley, a clerk in the New York, N. Y., post-office, I beg to state that the records of this office show that Mr. Riley was appointed a porter in the New York office in June, 1896, at \$600; promoted to \$700 August 1, 1899; promoted to separator at \$800 September 1, 1902; promoted to \$900 July 1, 1904; promoted to distributor at \$900 December 1, 1906, and to \$1,000 on July 1, 1907. His death was reported to have taken place on February 11, 1908, as a result of injuries received while on duty. No relief has been afforded his family through this department. The papers with respect to his injury and death were transmitted by this office to the Department of Commerce and Labor, to which department your telegram has been referred.

Very truly, yours,

C. P. GRANDFIELD,  
*First Assistant Postmaster General.*

UNITED STATES POST-OFFICE,  
OFFICE OF THE POSTMASTER,  
New York, N. Y., March 11, 1910.

Hon. J. A. GOULDEN,  
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN: Replying to your telegram of to-day, I have to inform you that Clerk Edward M. Riley died at Fordham Hospital at 11.45 a. m. on February 11, 1908, as the result of injuries received while on duty at the general post-office on February 6, 1908.

Clerk Riley was assigned to duty in the transportation department, and while crossing the elevator platform he was caught on the top of mail lift No. 4 and crushed between the top of the lift and the ceiling.

He entered the service October 21, 1895, and was receiving \$1,000 per annum at the time of his death.

Yours, very truly,

E. M. MORGAN, *Postmaster.*

POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., March 12, 1910.

Hon. GEORGE W. PRINCE,  
*Chairman Committee on Claims, House of Representatives.*

MY DEAR SIR: In reply to your communication of the 10th instant, inclosing a copy of a bill (H. R. 28269) for the relief of Elizabeth Reilly, widow of Edward Reilly, formerly an employee of the post-office at New York, N. Y., and requesting information concerning the matter, I beg to state that the records of this department show that Mr. Reilly was appointed a porter in the New York City post-office in June, 1896, at \$600; promoted to \$700 August 1, 1899; promoted to separator, at \$800, September 1, 1902; promoted to \$900 July 1, 1904; promoted to distributor, at \$900, December 1, 1906, and to \$1,000 on July 1, 1907. His death was reported to have taken place on February 11, 1908, as a result of injuries received while on duty. The papers with respect to his injury and death were transmitted by this office to the Department of Commerce and Labor under date of May 7, 1909, to which department your communication has been referred.

Yours, very truly,

F. H. HITCHCOCK,  
*Postmaster-General.*

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF LABOR,  
Washington, May 4, 1909.

Hon. J. A. GOULDEN,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I beg to acknowledge receipt of your letter of the 1st instant inquiring whether the case of Edward M. Riley, an employee of the New York

City post-office, comes under the provisions of the compensation act of May 30, 1908.

The only report in the case of Mr. Riley that we have received so far gives his occupation at the time of accident as "clerk." We have written the Post-Office Department asking for a further report giving more detailed information. I inclose herewith copy of the act, from which you will see that it applies only to artisans or laborers in manufacturing establishments of the Government and in certain other specified lines of work. If Mr. Riley's duties were purely clerical he would hardly come within the provisions of the act. However, when the fuller and more detailed report which has been asked for is received, the case will be submitted to this department for a ruling as to whether the occupation of Mr. Riley at the time of the accident brings him within the provisions of the act.

I am, very truly, yours,

G. W. W. HANGER,  
*Acting Commissioner.*

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF LABOR,  
Washington, May 14, 1909.

Hon. J. A. GOULDEN,

*House of Representatives, Washington, D. C.*

DEAR SIR: Referring to your inquiry of the 1st instant relative to the case of Edward M. Riley, an employee of the New York City post-office, I beg to inform you that the report, which I stated in my letter to you of May 4 had been requested of the Post-Office Department, has been received.

This report shows that the death of Mr. Riley occurred on February 11, 1908, and not February 11, 1909, as stated in the first report forwarded to this office.

As the act of May 30, 1908, applies only to accidents occurring on or after August 1, 1908, no claim for compensation in Mr. Riley's case could be established.

I am, very truly, yours,

G. W. W. HANGER,  
*Acting Commissioner.*

STATE OF NEW YORK, *County of New York*, ss:

In the matter of death of Edward M. Riley, Fred L. Hahn personally came before me, a notary public in and for the aforesaid county and State, New York, aged 32 years, citizen of the town of New York, Mead avenue, Van Nest, County of New York, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case, as follows:

Mrs. Elizabeth Reilly has been known to me for five years. She has been a tenant of mine the last two years, during which time I had every opportunity of judging her as a mother and wife, and as such have always found her to be above reproach. She has seven children, the oldest about 16 and the youngest an infant. Mrs. Reilly has very little means of support and anything that may be awarded to her would be appreciated by herself and family; further declares that he had no interest in said case and he is not concerned in its prosecution.

FRED L. HAHN.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant; and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and official seal this 25th day of January, 1909.

[SEAL.]

JAS. J. MULHEARN,  
*Notary Public No. 155, New York County.*

STATE OF NEW YORK, *County of New York*, ss:

In th matter of the death of Edward M. Riley, Mrs. Elizabeth Riley, aged 41 years, of 706 Van Ness avenue, Bronx, county of New York, State of New York, personally came before me, a notary public in and for the aforesaid

county and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case, as follows:

The following is the statement in regard to my husband's death: Went on duty at 4 p. m., February 6, 1908, at general post-office; was working on platform at the Mail street side when at about 11.30 p. m. he went to get out of the way of a mail cart when he accidentally stepped across the elevator shaft, as the elevator was coming up from the basement, crushing him between the ceiling and the hood of the elevator; when elevator was lowered he rolled from elevator onto an iron bar about 6 feet below, puncturing his kidney; was taken to Fordham Hospital February 8, 1908, where an operation was performed which resulted in his death February 11, 1908; further declares that she has interest in said case as his widow.

ELIZABETH RILEY.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me; that she is a creditable person and so reputed in the community in which she resides.

Witness my hand and official seal this 25th day of January, 1909.

[SEAL.]

JAMES J. MULHEARN,

*Notary Public, No. 155, New York County.*

STATE OF NEW YORK, *County of New York, ss:*

In the matter of death of Edward M. Riley, Rev. Daniel J. Curley. Personally came before me, a notary public in and for the aforesaid county and State, of New York, and Rev. Daniel J. Curley, aged 39 years, a citizen of the town of New York, 1676 White Plain road, county of New York, New York City, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case, as follows:

"Mrs. Elizabeth Reilly has been a parishioner of mine, at the Church of Our Lady of Solace for over six years, and while under my supervision, she has given evidence only of exemplary life, both as a wife and mother. She has seven children, the oldest about 16 and the youngest an infant. Her husband had no bad habits of which I was cognizant, and was most affectionate to his family. I attended him after the accident that resulted in his death. Mrs. Reilly has very little means of support to my knowledge, and it appears to me that any pecuniary reward in the disposition of this case would be for her family and herself a most worthy charity, if not an act of justice. I further declare that I have no interest in said case and am not concerned in its prosecution.

"DANIEL J. CURLEY, *Pastor.*"

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant; and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and official seal this 25th day of January, 1909.

[SEAL.]

JAS. J. MULHEARN,

*Notary Public No. 155, New York County.*

THEODORE SCHROETER.

WAR DEPARTMENT,  
*Washington, December 7, 1909.*

Hon. J. A. GOULDEN,  
*Representative in Congress, Washington, D. C.*

SIR: In reply to your telegram of the 4th instant, addressed to the Isthmian Canal Commission, requesting a transcript in writing of the claim of Theodore Schroeter for injuries received while employed by the commission on the

Isthmus, I have the honor to state that there is no record in the Washington office of the commission of any claim having been submitted by Mr. Schroeter, and the only record of the matter is such as is contained in Captain Boggs's letters to you under date of January 22 and February 24, 1909, respectively, copies of which are attached hereto.

Very respectfully,

J. M. DICKINSON,  
*Secretary of War.*

ISTHMIAN CANAL COMMISSION,  
*Washington, January 22, 1909.*

Hon. J. A. GOULDEN,  
*Representative in Congress, Washington, D. C.*

SIR: I have the honor to refer to your indorsement, under date of the 21st instant, transmitting a letter addressed to Mr. F. W. Theodore Schroeter, on December 28 last, by the chairman and chief engineer of the Isthmian Canal Commission, in response to Mr. Schroeter's application for reemployment on the Isthmus.

I beg also to refer to your indorsement, under date of December 30 last, in the matter of Mr. Schroeter's application for reinstatement in which you request to be furnished with a history of this case and to be advised of the action of the chairman upon Mr. Schroeter's application. Reply to the latter indorsement has been held in abeyance after a consultation with your secretary pending the receipt here of the chairman's reply. No reply direct, however, has been received, and it now appears that the chairman wrote directly to Mr. Schroeter instead.

The records of this office indicate that Mr. Schroeter was originally employed, effective February 11, 1907, as house carpenter at 65 cents an hour. On April 16, 1907, he left the service. He was reemployed on August 24, 1907, as car repairer at 56 cents an hour, and on December 21, 1907, was discharged on account of physical disability due to his being run into by a pair of car wheels, the end of the axle striking his left knee. He was first allowed his sick and injury leave and thereupon discharged from the service on December 21, 1907, as stated, on the recommendation of the medical examining board. After Mr. Schroeter's return to the United States he applied for reinstatement, and upon taking the matter up with the officials on the Isthmus, authority to reappoint him as car repairer was received, provided he could pass a physical examination. He was accordingly ordered to report for such physical examination, and as the same appeared to be satisfactory, his reappointment was arranged, and he sailed from New York for the Isthmus on August 7, 1908.

After working about a month, however, it appears that his knee gave him such trouble that he was unable to continue his duties, and on October 1, 1908, he was again examined by the medical examining board on the Isthmus and was found to be suffering from partial ankylosis of the left knee, rendering him unfit for further service. On the recommendation of the board he was, on October 2, 1908, again discharged on account of physical disability.

The present application, therefore, is the second one from Mr. Schroeter for reinstatement, and upon again taking the matter up with the officials on the Isthmus instructions were received to have Mr. Schroeter again examined by the commission's physician in New York, with a view to determining his present condition and securing information as to what class of light work his present condition would warrant him in performing. The report of the physician, as well as that of the commission's employment agent in New York, who interviewed Mr. Schroeter, was, on December 2, 1908, forwarded to the chairman of the commission on the Isthmus for his consideration. As a result, apparently, the chairman has written the letter to Mr. Schroeter which you have just forwarded by indorsement to this office.

It would seem now that Mr. Schroeter should reply to the chairman, informing him whether or not he would accept reinstatement at \$75 a month, in order that the chairman may issue his instructions to this office in the premises. Should instructions from the chairman be accordingly received to reinstate Mr. Schroeter, the necessary arrangements for his appointment and transportation will then be made by this office.

The correspondence forwarded to this office by the two respective indorsements above referred to is herewith returned.

Very respectfully,

F. C. BOGGS,  
*Captain, Corps of Engineers, U. S. Army.*  
*Chief of Office.*

ISTHMIAN CANAL COMMISSION,  
Washington, February 24, 1909.

Hon. J. A. GOULDEN,  
Representative in Congress, Washington, D. C.

SIR: Referring to Mr. Theodore Schroeter's letter of February 10, inclosed herewith, and which was referred to this office by you for answer, I beg to advise you that under date of February 17 Mr. Schroeter wrote a letter to this office substantially along the same lines as in his letter addressed to you. Under date of February 19 a reply reading as follows was made to his letter, and fully covers the case:

"Replying to your letter of February 17, I regret to state that there is nothing which this office can do toward helping you out in your present situation. Under date of January 22 this office furnished Congressman Goulden with a full report as to the present status of your case, and you should communicate direct with him for any information as to what steps he has taken toward securing relief for you through congressional action.

"It is noted that you have written several letters to the chief engineer on the Isthmus, but as yet you have not heard from the same. I am therefore forwarding your letter to the Isthmus, with the request that you be furnished with the desired information."

Under date of January 22 a full report was made to you concerning Mr. Schroeter's case. As Mr. Schroeter's injury occurred prior to the enactment of the present law, under which Isthmian employees are paid certain compensation for injury incurred in line of duty, the Isthmian Canal Commission has no authority in any way to assist Mr. Schroeter. It would seem that this assistance can be obtained only through special congressional action, and therefore there is nothing more that the commission can do in the matter.

As you understand, the chairman of the commission offered Mr. Schroeter reemployment at \$75 a month, at light work, but in view of the statements contained in his letter to this office, as well as in the letter to you, it would seem that he is not even capable of performing this light work.

Very respectfully,

F. C. BOGGS,  
Captain, Corps of Engineers, U. S. Army, Chief of Office.

---

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, December 8, 1909.

DEAR SIR: I have the honor to acknowledge the receipt of your telegram of the 4th instant, requesting a transcript of the record of the claim of Theodore Schroedter for injuries incurred while employed on the Panama Canal.

No report of injury nor claim for compensation has been received by this department in the case of Mr. Schroedter, the only record being your letter of May 1, 1909, addressed to the Commissioner of Labor, and his replies thereto, copies of which are inclosed herewith.

Very truly, yours,

BENJ. S. CABLE, Assistant Secretary.

Hon. J. A. GOULDEN,  
House of Representatives, Washington, D. C.

---

HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., May 1, 1909.

HONORABLE COMMISSIONER OF LABOR,  
Washington, D. C.

SIR: I would be pleased to be informed as to whether a claim has been filed by one Theodore Schroedter, of 1053 East One hundred and thirty-seventh street, New York City, for damages resulting from an accident incurred while in the employ of the Isthmian Canal Commission.

Will you kindly favor me with the status.

Very truly, yours,

J. A. GOULDEN.

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF LABOR,  
Washington, May 3, 1909.

Hon. J. A. GOULDEN,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I am in receipt of your letter of the 1st instant, asking whether a claim for compensation has been filed with this bureau by Theodore Schroeter, of 1053 East One hundred and thirty-seventh street, New York City, for injuries received while in the employ of the Isthmian Canal Commission.

Replying to your inquiry, I beg to inform you that an examination of the records of this bureau shows that no claim has been filed by the person named by you.

I am, very truly, yours,

CHAS. P. NEILL, *Commissioner.*

Respectfully returned to the honorable Commissioner of the Bureau of Labor, with the request that a blank to enable the within-named Schroeter to apply be sent me for transmittal.

J. A. GOULDEN.

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF LABOR,  
Washington, May 7, 1909.

Hon. J. A. GOULDEN,  
*House of Representatives, Washington, D. C.*

DEAR SIR: In compliance with your request, I am inclosing herewith a copy of Form C A-4, claim for compensation to injured employee, which is the proper blank for use in applying for compensation for injuries under the act of May 30, 1908.

You will note that, in addition to the affidavit of the claimant, which must be made before an officer having the power to administer oaths, the form provides for a certificate to be furnished by the attending physician and another to be supplied by the official superior of the injured employee.

In the event the accident to Mr. Schroeter occurred prior to August 1, 1908, no claim could be established, since the act applies only to injuries received on or after that date.

I am, very truly, yours,

CHAS. P. NEILL, *Commissioner.*

ISTHMIAN CANAL COMMISSION,  
Washington, April 19, 1910.

Hon. GEORGE W. PRINCE,  
*Chairman Committee on Claims, House of Representatives.*

SIR: I have the honor to acknowledge the receipt of your reference, under date of April 13, 1910, of the bill (H. R. 24482) for the relief of Theodore Schroeter, for injuries received while in the employ of the Government on the Panama Canal, and requesting that your committee be furnished all the facts and information concerning the matter in the possession of the commission.

In reply, you are informed that this office has, at the request of Congressman J. A. Goulden, cabled the chairman of the commission on the Isthmus to send all papers relating to Mr. Schroeter's claim, including report of injuries, treatment, and condition upon discharge in October, 1908, together with certain papers, which, it is stated, Mr. Schroeter sent to the Isthmus as a part of his claim, and which have not been returned. Upon receipt of a reply from the Isthmus you will be communicated with again. In the meantime, there is inclosed, for your information, a copy of a self-explanatory letter to this office from the chairman of the commission, dated November 19, 1908, which contains a general statement regarding Mr. Schroeter's injury on September 28, 1907.

Very respectfully,

F. C. BOGGS,  
*Captain, Corps of Engineers, U. S. Army,*  
*Chief of Office.*

ISTHMIAN CANAL COMMISSION,  
*Culebra, Canal Zone, November 19, 1908.*

Capt. F. C. Boggs,  
*Chief of Office, Isthmian Canal Commission,  
Washington, D. C.*

SIR: Please refer to your files covering the case of F. W. Theodore Schrater, originally employed by the commission as a carpenter on February 11, 1907, and later employed by the mechanical division as a car repairer, on August 24, 1907. On September 28, 1907, he was injured by being run into by a pair of car wheels, the end of the axle striking his left knee. After receiving sick and injury leave, he was discharged on December 21, 1907, on the recommendation of the medical examining board.

On July 24, 1908, acting on your letter of July 8, his reappointment as car repairer was authorized by cable, provided he could pass a physical examination. He accordingly reported on August 14, 1908. After working a month his knee gave him such trouble that he was unable to continue his duties, and on October 1 he was examined by the medical examining board at Ancon Hospital and found to be suffering from partial ankylosis of the left knee, rendering him unfit for further service. The board recommended, therefore, that he be deported, and stated that Mr. Schrater was willing to be deported. In accordance therewith he sailed for the States on October 3.

I have now received a letter from Mr. Schrater stating that he has not been able to find employment and is unable to support his wife and four small children, and requesting to be given employment on work which he is fitted to do. Will you kindly arrange to have him examined by a competent surgeon, with a view to ascertaining his present physical condition and what work he is able to perform? Your report after the examination should be forwarded to me as soon as possible and I will then determine what, if anything, can be done under the circumstances. Mr. Schrater's address is No. 1053 East One hundred and thirty-seventh street, New York City.

Respectfully,

GEO. W. GOETHALS,  
*Chairman and Chief Engineer.*

---

ISTHMIAN CANAL COMMISSION,  
*Washington, May 3, 1910.*

HON. GEORGE W. PRINCE,  
*Chairman Committee on Claims, House of Representatives.*

SIR: Referring to your letter of April 13, 1910, relative to the bill (H. R. 24482) for the relief of Theodore Schroeter for injuries received while in the employ of the Government on the Panama Canal, and to the reply from this office of the 19th ultimo, in which you were informed that the chairman of the commission on the Isthmus had been cabled, at the request of Congressman J. A. Goulden, to forward all papers in his office relating to Mr. Schroeter's claim, I have the honor to state that this office is in receipt of a communication from the chairman, dated the 22d ultimo, inclosing copies of papers in the files of his office which have any material bearing on the injuries sustained by Mr. Schroeter, copies of which papers are transmitted herewith.

The chairman adds that Mr. Schroeter's statement that certain papers relating to his claim were forwarded to the chairman's office and retained there is thought to be in error, and that there is no record of the receipt from Mr. Schroeter of any papers relating to his claim.

Very respectfully,

F. C. Boggs,  
*Captain, Corps of Engineers, U. S. Army, Chief of Office.*

---

[Translation.]

NEW YORK, May 17, 1910.

COL. GEORGE W. GOETHALS,  
*Chairman and Chief Engineer, Culebra, Canal Zone.*

HONORABLE SIR: Your letter reached me this day, in German Hospital, and I answer at once.

I have received all the letters and gave them to Congressman J. Goulden, but heard very little so far.

It goes bad with me and family (wife and four little children). I am again in the hospital, and I don't know how long I will have to remain there.

Respectfully,

THEODORE SCHROETER,  
716 East One hundred and thirty-sixth street,  
New York City, or German Hospital.

---

CULEBRA, CANAL ZONE, May 17, 1909.

Mr. F. W. THEODOR SCHROETER,  
No. 716 East One hundred and thirty-sixth street,  
New York City.

SIR: I am in receipt of your letter stating that you are not able to return to the Isthmus and that you have received no word from Washington.

Letters have been written to you from the Isthmus on October 16 and December 28, 1908, and February 9 and April 19, 1909. These letters were addressed to you at No. 1053 East One hundred and thirty-seventh street, New York City.

This letter is being sent to your new address. If you did not receive the foregoing letters, please let me know.

I will request Capt. F. C. Boggs, chief of office, Isthmian Canal Commission, Washington, D. C., to inform you of the status of any matters which may be pending there regarding relief for you through congressional action.

I regret to learn from you that your knee is still giving constant pain, and that you are not able to return to your work.

I inclose a copy of my letter to you of April 19, 1909.

Respectfully,

GEORGE W. GOETHALS,  
Chairman and Chief Engineer.

---

CULEBRA, CANAL ZONE, April 19, 1909.

Mr. F. W. THEODOR SCHROETER,  
No. 1053 East One hundred and thirty-seventh street,  
New York City.

SIR: Referring to your letter of February 17, addressed to the Washington office of the commission, stating that you have not received a reply to several letters sent to the Isthmus, I find on my return to the Isthmus that the information requested in your letter of January 25, 1909, was forwarded to you on February 9, and included a statement of your service; copy of your accident report and papers in connection therewith; copy of Doctor O'Rourke's report, etc.

I wrote you on December 28, 1908, that in view of the fact that "Doctor O'Rourke states that you are, at the present time, unable to perform manual labor or any sort of work which would necessitate your being on your feet for any considerable length of time, your application for employment must, therefore, be passed upon in the light of the services which you are able to render in your present condition." I also stated that the superintendent of motive power and machinery would be able to give you work under these conditions at a compensation not exceeding \$75 per month.

I return herewith letter addressed to you on October 16, 1908, by the Washington office of the commission.

Respectfully,

GEORGE W. GOETHALS,  
Chairman and Chief Engineer.

---

CULEBRA, CANAL ZONE, February 8, 1909.

To whom it may concern:

The bearer, Mr. F. W. Theodor Schraeter, was employed by the Isthmian Canal Commission as carpenter from February, 1907, in the division of building construction. In August he was taken on by the mechanical division as car repairer in the Gorgona shops. On September 28, 1907, while standing at a car boring holes, a pair of car wheels was run into him by three negro help-

ers, and the end of the axle hit him in the left knee, making a long gash. As a result of the injury he remained in the hospital until December 21, when he was discharged on the recommendation of the canal commission medical examining board and sent back to the United States, the injury having been sufficient to prevent his further employment with the commission. During his employment his general conduct was excellent and his general workmanship good. The injury was caused by circumstances beyond his control.

After a few months in the United States his injured leg was so improved that he felt able to resume work, and on July 24, 1908, his reappointment as car repairer was authorized, provided an examination showed him to be physically fit. He passed this physical examination and reported for work at the Empire shops as car repairer on August 14, 1908, and almost immediately began to feel the effects of the isthmian climate on his leg, which gave him renewed trouble. He was obliged to go to the hospital on September 15, and, after again appearing before a medical examining board, was found unfit for work and was again transported back to the United States.

Mr. Schraeter states that his leg is slowly improving and that he hopes in a short time to be able to perform the duties of watchman or some similar position.

I am glad to recommend him for employment in the United States for any work which he is able to do. He has a wife and four children dependent upon him for support; and as he is unable to stand the climate on the Isthmus, the canal commission is unable to make any provision for him.

H. F. HODGES,  
*Acting Chairman and Chief Engineer.*

---

CULEBRA, CANAL ZONE, December 28, 1908.

MR. F. W. THEODOR SCHRATER,  
No. 1053 East One hundred and thirty-seventh Street,  
New York City.

SIR: I am in receipt of a report on your physical condition, forwarded to the Washington office of the Canal Commission, as a result of an examination of you, on December 1, by Dr. M. F. O'Rourke.

Doctor O'Rourke states that you are at the present time unable to perform manual labor or any sort of work which would necessitate your being on your feet for any considerable length of time. Your application for reemployment must therefore be passed upon in the light of the services which you are able to render in your present condition, the value of which have been materially lessened by your accident.

The superintendent of motive power and machinery states that he can arrange to find work for you at a compensation not exceeding \$75 per month. Of course, if he finds that he can do better than this for you in the future, he will do so. However, in your present condition this is the most that can be done. If you desire to accept an appointment at the above rate of pay, under the conditions stated, please inform me.

I regret that your condition has not improved so that you might be able to resume your former work.

Respectfully,

GEORGE W. GOETHALS,  
*Chairman and Chief Engineer.*

---

NEW YORK, December 1, 1908.

Capt. F. C. Boggs,  
Chief of Office, Isthmian Canal Commission,  
Washington, D. C.

DEAR SIR: Replying to your letter of November 28, with inclosed copy of a letter from the chairman, dated 19th instant, in reference to Mr. F. W. Theodore Schroeter (Schrater).

Accompanied by Mr. Schroeter (Schrater) I called upon Doctor O'Rourke this noon, and a very thorough examination was made. The doctor's medical certificate is attached hereto. You will notice that Doctor O'Rourke makes the statement "he is unable at present time to perform manual labor—nor any sort of work that would necessitate him being on his feet for hours."

As to your request that I suggest what kind of work Mr. Schroeter (Schrater) could perform, I would respectfully suggest that his services could probably be utilized as a watchman, a position which I believe is now filled almost exclusively by natives; but an exception could be made, or his services could be utilized as a foreman or in the sanitary department as an inspector, or in charge of a mosquito brigade, general cleaning, etc.

In this connection I wish to call your attention to the fact that if Mr. Schroeter (Schrater) is reinstated, it will not be possible for him to pay for his transportation from New York to Colon, as he now is, he claims, almost an object of charity and having great difficulty in providing for his family, and some kindly disposed persons would have to care for them until he could provide for them on the Isthmus.

Very respectfully,

HENRY A. SMITH,  
*Employment Agent for Isthmian Canal Commission.*

*Isthmian Canal Commission—Record of medical and physical examination of Theodore Schrater, 1053 East One hundred and thirty-seventh street, New York City.*

1. Age of applicant, 44 years.
2. Exact weight, stripped, 195 pounds.
3. Exact height in bare feet, 5 feet 9 inches. (The physician must himself weigh and measure the applicant.)
4. Girth (thorax at level of nipple): At full inspiration, 45 inches; at full expiration, 42 inches.
5. Vision: Refraction, 20 O. D.; 20 O. S.; 1 O. D.; 1 O. S. Does the applicant wear glasses? No. If not, should applicant wear glasses? No. State specifically if eyesight is normal. Yes.
6. Hearing: Ticking of watch, right ear, 2 feet; left ear, 2 feet. Ordinary conversation, right ear, 15 feet; left ear, 15 feet. State specifically if hearing is normal. Yes.
7. Speech, normal.
8. Spine (curvature, etc.), normal.
9. Limbs (deformity, varicose veins, ulcers, etc.), as below.
10. Is there any evidence of disease or of abnormal functions of the nervous system, cerebro-spinal or sympathetic? No.
11. Are there any indications of disease or of derangement of function of the organs of respiration or their appendages? No.
12. Pulse: When sitting, beats per minute, 78; character, normal. When standing, beats per minute, 86; character, normal. Cardiac condition shown (murmurs, rhythm, etc.): On percussion, not enlarged.
13. Are there any indications of disease of the heart or of blood vessels? No.
14. Are there evidences of disease of the digestive system or of any of the abdominal organs? No.
15. Has the applicant rheumatism, gout, chronic catarrh of any organ, disease or defect of any of the organs of special sense, hernia, varicocele, sarcocele, hydrocele, hemorrhoids, fistula in ano, enlarged lymphatic glands or other tumor, any genito-urinary disease, or any cutaneous disease, or any evidence of having had venereal disease? No.
16. Are there indications that the applicant uses intoxicating beverages, or narcotics in any form, and, if so, to what extent? Beer, moderately.
17. Give here a supplemental and complete description of every abnormality, disease, or physical defect, past or present, and special physical characteristics which may unfit him for the performance of work on the Isthmus of Panama. (If person examined is an applicant for a railroad position, make specific statement here as to hearing and vision, including color perception.) Left kneejoint was injured and operated on for dislocated semilunar cartilage. At present time has a scar 10 inches long. There is limitation of flexion to a great extent and also extension slightly. Has marked tenderness over external lateral ligament. Head of fibula and lower part of femur are tender on pressure. Has pain over tendon quadruped muscle, probably due to adhesions. Joint does not seem to be enlarged. The marked subjective symptoms are pain on standing and weakness. He is unable at present to perform manual labor, nor any sort of work that would necessitate him being on his feet for hours.

18. What sickness, requiring services of a physician have you had within the last five years? (Give nature of sickness and length of illness.) Through injury.

19. Does the applicant understand that any evasions in his answers, or concealment of physical disability, render him liable to dismissal? Yes.

20. Does the examining physician consider applicant in physical condition to engage in work on the Isthmus of Panama?

F. W. THEODOR SCHROETER.

I certify that I have made a thorough examination of the above-named applicant; that each and all of the above answers are in my handwriting and are true; and that the applicant wrote his signature, just above, in my presence; also, that I am not the family physician of the applicant.

M. F. O'ROURKE,

227 West Forty-fourth street.

DECEMBER 1, 1908.

NOVEMBER 19, 1908.

Capt. F. C. BOGGS,  
Chief of Office, Isthmian Canal Commission,  
Washington, D. C.

SIR: Please refer to your files covering the case of F. W. Theodor Schrater, originally employed by the commission as a carpenter on February 11, 1907, and later employed by the mechanical division as a car repairer on August 24, 1907. On September 28, 1907, he was injured by being run into by a pair of car wheels, the end of the axle striking his left knee. After receiving sick and injury leave he was discharged on December 21, 1907, on the recommendation of the medical examining board.

On July 24, 1908, acting on your letter of July 8, his reappointment as car repairer was authorized by cable, provided he could pass a physical examination. He accordingly reported on August 14, 1908. After working a month his knee gave him such trouble that he was unable to continue his duties, and on October 1 he was examined and found to be suffering from partial ankylosis of the left knee, rendering him unfit for further service. The board recommended, therefore, that he be deported, and stated that Mr. Schrater was willing to be deported. In accordance therewith he sailed for the States on October 3.

I have now received a letter from Mr. Schrater stating that he has not been able to find employment, and is unable to support his wife and four small children, and requesting to be given employment on work which he is fitted to do. Will you kindly arrange to have him examined by a competent surgeon, with a view to ascertaining his present physical condition and what work he is able to perform. Your report after the examination should be forwarded to me as soon as possible, and I will then determine what, if anything, can be done under the circumstances. Mr. Schrater's address is No. 1053 East One hundred and thirty-seventh street, New York City.

Respectfully,

GEORGE W. GOETHALS,  
Chairman and Chief Engineer.

ANCON, October 1, 1908.

ACTING CHAIRMAN, Culebra.

SIR: The medical examining board, Ancon Hospital, has this day examined Mr. F. W. Theodor Schrater, American, and finds that he is suffering from partial ankylosis of the left knee, which renders him unfit for service with the commission, and recommends that he be deported. Mr. Schrater is willing to be deported.

Mr. Schrater desires to sail on the boat scheduled to leave Colon for New York (from which port he sailed) on October 3, and I would be glad if you would arrange to let him have his transportation, in order that he may sail on this boat.

Very respectfully,

W. C. GORGAS,  
Chief Sanitary Officer.

CULEBRA, October 1, 1908.

To whom it may concern:

The bearer, Mr. F. W. Theodor Schroeter, was employed by the Isthmian Canal Commission as carpenter from February, 1907, in the division of building construction. In August he was taken on by the mechanical division as

car repairer at the Gorgona shops. On September 28, 1907, while standing at a car boring holes a pair of car wheels was run into him by three negro helpers, and the end of the axle hit him in the left knee, making a long gash. As a result of the injury he remained in the hospital until December 21, when he was discharged on the recommendation of the Canal Commission medical examining board and sent back to the United States, the injury having been sufficient to prevent his further employment with the commission. During his employment his general conduct was excellent and his general workmanship good. The injury was caused by circumstances beyond his control.

After a few months in the United States his injured leg was so improved that he felt able to resume work, and on July 24, 1908, his reappointment as car repairer was authorized, provided an examination showed him to be physically fit. He passed this physical examination and reported for work at the Empire shops as car repairer on August 14, 1908, and almost immediately began to feel the effects of the isthmian climate on his leg, which gave him renewed trouble. He was obliged to go to the hospital on September 15, and after again appearing before a medical examining board was found unfit for work, and has been transported back to the States.

Mr. Schroeter states that in the United States his leg permits him to perform work for which he is fit and for the present, at least, he is unable to work on the Isthmus.

I am glad to recommend him for employment in the United States for any work which he is able to do. He has a wife and four children depending upon him for support, and as he is unable to stand the climate down here, the Canal Commission is unable to make any provision for him.

H. H. ROUSSEAU,  
Civil Engineer, United States Navy,  
Assistant to the Chief Engineer, Isthmian Canal Commission.

JANUARY 23, 1908.

MR. F. W. THEODOR SCHRATER,  
1883 Amsterdam Avenue, New York City.

SIR: Your letter dated December 29, 1907, addressed to the President, has been referred to this office for reply.

The records show that you have been paid all injury and sick leave that could be allowed for the first six months' service under the rules of the commission, as follows:

Sick leave—	Hours.
September 12 to September 14, 1907-----	23
October 3 to October 12, 1907-----	71
November 8 to December 21, 1907-----	26
Total-----	120
Injury leave—	
October 14 to November 7-----	199
November 8 to December 21-----	41
Total-----	240

This makes a grand total of three hundred and sixty hours sick and injury leave with pay.

Pay certificate covering the last item of injury leave, forty-one hours, and the last item of sick leave, twenty-six hours, amounting to \$37.52, was forwarded to the disbursing officer on January 11, with the request that check be sent to your address in New York City. The check should have been received by you by this time.

The superintendent of the Division of Motive Power and Machinery states that the nature of your services was such that he does not feel warranted in offering you reemployment, and I do not know of any opening where your services can be utilized at the present time.

It is suggested that you file an application with the Washington office of the commission for the particular class of work which you consider your physical condition will permit you to perform. A copy of this application should be

sent to this office so that inquiry can be made among the different divisions to ascertain whether anything can be done for you at the present time.

Very respectfully,

D. D. GAILLARD,  
*Acting Chairman and Chief Engineer.*

JULY 24, 1908.

Capt. F. C. Boggs,  
*Chief of Office, Isthmian Canal Commission,  
Washington, D. C.*

SIR: Referring to letter from your office of July 8, inclosing copy of a letter from Hon. William S. Bennet, M. C., relative to application of Mr. F. W. Theodore Schroeter, of New York City, for reemployment with the commission:

In view of the fact that Mr. Schroeter was injured on the work in line of duty, I have authorized his reemployment as car repairer, provided he meets physical requirements. A cablegram to this effect was sent to your office to-day. Please advise Mr. Bennet of this action.

Respectfully,

\_\_\_\_\_, *Chairman.*

DEPARTMENT OF SANITATION,  
*December 13, 1907.*

SIR: The chief sanitary officer directs me to inform you that Mr. F. W. Schroeter, carpenter, mechanical department at Gorgona, appeared before the medical examining board of Colon Hospital, who report that he is suffering from lacerated ligaments of left knee, and is, in their opinion, incapacitated for further usefulness with the commission and recommends his deportation.

Will you kindly furnish this office with necessary transportation request to cover this man's passage on first boat sailing from Colon to New York? He is willing to be deported.

Very respectfully,

C. C. McCULLOCH, Jr.,  
*Executive Officer.*

MANAGER DEPARTMENT OF LABOR, QUARTERS, AND SUBSISTENCE,  
*Culebra, Canal Zone.*

*Isthmian Canal Commission—Mechanical Division—Report of personal injuries.*

1. Name of injured person, F. W. Schrater.
2. Occupation, car repairer.
3. Date of occurrence, September 28, 1907.
4. Hour, 9 a. m.
5. Weather, clear.
6. Place where accident occurred, lower end of Gorgona car shops.
7. Nature of accident, ran into by pair of car wheels.
8. How did accident occur? Was standing at car boring holes, when three negroes with a pair of car wheels ran into him, the end of axle hitting him in the knee of left leg.
9. What does injured person say was cause of accident? Same as above.
10. Was accident due to negligence of injured person, or whom? Three negroes: George Mitchell, Joseph Barrow, Francis Jones.
11. Nature and extent of injuries sustained? Left knee bruised. At first nothing was thought of it, but it proved serious later on.
12. What was done with injured person? Worked for several days, then went to Gorgona Hospital.
13. What doctor gave him first attention? Doctor Macy.
14. How long will injured person probably be unfitted for duty? Indefinite.
15. Witnesses: Earl Bell, car repairer, second grade, white; Francis Jones, foreman, black.
16. Was injured person lame, deaf, blind, or afflicted with poor eyesight? No.
17. Was he drunk? No.
18. Had he been drinking? No.
19. Here state any further information you have regarding accident.

E. C. CUMMINGS.

OCTOBER 3, 1907.

E. J. OLDER.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, May 5, 1910.

The SECRETARY OF WAR.

SIR: 1. I have the honor to return herewith H. R. 20440, Sixty-first Congress, second session, for the relief of E. J. Older, referred to this office on March 9, 1910, with request of the chairman of the Committee on Claims of the House of Representatives for all facts, and an opinion touching the merits of the claim.

2. The matter was referred to Maj. Charles Keller, Corps of Engineers, the officer in charge, for report and recommendation. From Major Keller's report and accompanying papers, the following summary is taken, which is believed to cover the claim in all essential particulars:

Mr. Older was employed in a rock quarry at Lamoille, Minn., operated by the United States in connection with the work of improving the Mississippi River. On the afternoon of April 23, 1907, he with 18 other men were called to adjust the main cable of a cableway used in transferring rock from the quarry to barges in the river. When the work was nearly finished, a new manila rope, holding the main cable, suddenly broke, throwing a strain of great force back on the cable the men were working on, striking and throwing many of them to the ground. Mr. Older was one of the men injured, his left knee being dislocated and badly strained. He was taken to the general hospital at Winona, Minn., for treatment. His recovery was slow, and he returned to his home about the middle of June, 1907.

Mr. Older reported for work at the Lamoille quarry May 19, 1908, and worked as a blacksmith's helper till July 1, when he returned home. While in this employment he complained constantly of pain resulting from the injury of the previous year, and apparently was not as well physically as before.

The accident is reported to have occurred without fault on the part of Mr. Older or any of his associates. His loss of wages during the year subsequent to the injury is stated to have been \$438.

3. Since the act of May 30, 1908, must be accepted as an expression of the policy of Congress in cases of personal injury of this kind, it is believed that Mr. Older is entitled to relief to the extent provided by that act, and it is therefore recommended that the bill be amended by changing the amount to \$438, and as so amended it be favorably considered.

Very respectfully,

FREDERIC V. ABBOT,  
Acting Chief of Engineers.

[H. R. 20440, Sixty-first Congress, second session.]

A BILL For the relief of E. J. Older.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. J. Older, of Viroqua, Wisconsin, in compensation for personal injuries received on the twenty-third day of April, nineteen hundred and seven, while in the employ of the Government at Lamoille, Minnesota, the sum of five thousand dollars.*

WAR DEPARTMENT, May 6, 1910.

Respectfully referred to the Judge-Advocate-General for report as to whether or not, in his opinion, the claim is meritorious.

By order of the Secretary of War:

JOHN C. SCOFIELD,  
Assistant and Chief Clerk.

[Fourth indorsement.]

WAR DEPARTMENT,  
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,  
Washington, D. C., May 9, 1910.

Respectfully returned to the Secretary of War.

It clearly appears from the accompanying report of the Acting Chief of Engineers, dated May 5, 1910, that the injury sustained by the beneficiary of the

proposed legislation, E. J. Older, arose in the course of his employment and was the result of pure accident, and was not caused by any negligence or misconduct on his part.

Had E. J. Older been employed as an artisan or laborer in any of the places or classes of work specified in the act of May 30, 1908 (compensation act for injuries sustained by employees), he would have been entitled to the benefits conferred by that act, which would have been limited to pay during the period of incapacity, not exceeding one year. The provision of the within bill (H. R. 20440, 61st Cong., 2d sess.) carries a benefit of \$5,000 for the injury received, which is a much more generous provision than that made by the permanent law above cited. According to that law he should receive his wages lost during the year subsequent to the injury, which is stated to be \$438. I concur in the view of the Acting Chief of Engineers that the claim is a meritorious one for a proper measure of relief, which should be adjusted to the requirements of the permanent law, and that the bill should be amended by changing the amount to \$438.

GEORGE B. DAVIS,  
*Judge-Advocate-General.*

WAR DEPARTMENT, *May 10, 1910.*

Respectfully returned to Hon. George W. Prince, chairman of the Committee on Claims, House of Representatives, inviting attention to the inclosed report of the Acting Chief of Engineers, and concurring in the opinion therein expressed and in that of the Judge-Advocate-General of the Army in the preceding indorsement hereon.

J. M. DICKINSON,  
*Secretary of War.*

[House Document No. 759, Sixtieth Congress, first session.]

HANS PETER GUTTORMSEN.

COURT OF CLAIMS, CLERK'S OFFICE,  
*Washington, March 10, 1908.*

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings and opinion filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,  
*Assistant Clerk Court of Claims.*

HON. JOSEPH G. CANNON,  
*Speaker of the House of Representatives.*

[Court of Claims. Congressional, No. 12733. Decided March 9, 1908. Hans Peter Guttormsen v. The United States.]

STATEMENT OF CASE.

This is a claim for alleged permanent injuries received by the claimant in November, 1880, while in the employ of the United States as a laborer, and for medical attendance, nursing, and medicines required in the treatment of said injuries.

The claim was first referred to the court by resolution of the House of Representatives December 19, 1904, under the act of March 3, 1887, and numbered 11730, Congressional. On December 4, 1905, the court filed findings of fact in favor of the claimant in the sum of \$5,000, which findings were, on December 12, 1905, certified to Congress.

Thereafter, on January 19, 1907, the House of Representatives, by resolution, referred to the court under the act of March 3, 1887, a bill in the following words:

"[H. R. 13870, Fifty-ninth Congress, first session.]

"A BILL For the relief of Hans Peter Guttormsen.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the

United States Treasury not otherwise appropriated, the sum of five thousand dollars to Hans Peter Guttormsen, of the city of Kenosha, county of Kenosha, State of Wisconsin, said sum of five thousand dollars having been allowed him by the Court of Claims on the fourth day of December, anno Domini nineteen hundred and five, as set forth in Document Numbered One hundred and seventy-four of the Fifty-ninth Congress, first session, of the House of Representatives."

The claimant appeared and filed his petition in this court February 14, 1907, in which the following substantial allegations are made:

1. That he is a citizen of the United States and a resident of the city of Kenosha, in the county of Kenosha and State of Wisconsin.

2. That in the month of April, 1875, he resided in Rock Island, in the State of Illinois, and entered into the employment of the Government of the United States, under the War Department thereof, as a laborer at a compensation of \$1.60 per day, which was subsequently increased to \$2 per day, and worked continuously in the employment of said Government from the date aforesaid until November 6, 1880, at which time he received the permanent injuries herein complained of and in the manner as hereinafter stated.

3. That on the said date, November 6, 1880, the petitioner was engaged in his daily labor under the control and direction of the proper officers and authorities of the War Department of the United States Government, and without any fault or negligence whatever on his part, but wholly on account of the negligence of the officers of the United States who had control of and directed the actions of the petitioner in the performance of his said labor for the Government, the said petitioner received and sustained, as he now avers, serious, dangerous, and personal permanent injuries, under the following circumstances and conditions, namely: That when the petitioner was at work under the direction of the authorities of the War Department, as aforesaid, on the construction of a breakwater on the Mississippi River, near Moline, Ill., the stone walls of said breakwater having been completed to a height of 40 feet, and the trestlework and scaffolding having been erected, over and upon which materials were to be carried for said work, and planks for the covering or flooring on said trestlework had been hoisted thereon and a portion of the flooring laid on the said scaffolding and trestlework, the said petitioner was ordered by his foreman on the work to carry, lay, and string along and on the said trestlework planks that were very heavy and 16 feet in length; that while carrying one of these heavy planks he stepped on one of the planks that had already been laid down, as aforesaid, which broke and precipitated him, with the heavy plank he was carrying, through the trestle to the bottom of the structure, a distance of about 40 feet, into a large mortar box, breaking five of his ribs near his spinal column, breaking his left leg in three places, breaking the third finger of his right hand, splitting and tearing the flesh on his head and face, and injuring him generally in such a manner that he was unconscious for two weeks, and that as a result of such injuries he was confined to his bed for more than a year and has been left by reason thereof a permanent cripple, and rendered incapacitated for the performance of manual labor for the remainder of his life, and has expended large sums of money for surgical and medical attendance and for services of trained nurse.

That the plank upon which he was walking, and which broke with the results as aforesaid was old, rotten, weather-beaten, and unfit for the use to which it had been put, the government authorities having negligently suffered and permitted to be used in the erection and construction of said scaffolding and trestlework rotten and defective material, of which the said plank was a part, all of which was unknown to the petitioner at the time. That at least one other injury, fatal in its result, occurred to another laborer on the same work and from the same cause.

4. That no payment or compensation has ever been made to the claimant, or to any other person in his behalf, on account of this claim.

The case was brought to a hearing February 18, 1907. George C. Hazelton, esq., appeared for the claimant, and the Attorney-General, by P. M. Ashford, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

#### FINDINGS OF FACT.

I. In the month of April, 1875, Hans Peter Guttormsen, claimant, entered the employ of the United States as a laborer, in connection with the construction of a dam and breakwater at or near Rock Island, in the Mississippi. Claimant

continued in such employ up to and including November 6, 1880, at a compensation of \$1.50 per day during part of said period and \$2 per day during the remainder of said period.

II. On November 6, 1880, claimant, as such laborer, was engaged, along with five or six other workmen, in laying a plank floor on a trestle about 12 feet wide at the top and about 35 or 40 feet from the ground. The bents of said trestlework were about 6 feet apart. The plank used in laying said floor were hoisted to the top of the trestle at one end thereof, loaded on to a car or truck, and wheeled along the trestlework to a point near where the floor was being laid. While carrying a plank about 16 feet long, 1 foot wide, and 2 inches thick, from said car forward to lay the same on the trestlework, claimant stepped upon a plank which had been previously strung from bent to bent of said trestle and started to walk along the same, when it broke, precipitating him to the ground, 35 or 40 feet below. In lighting, claimant struck a plank mortar box and rock, breaking five of his ribs near the spinal column, fracturing his leg in three places, breaking the third finger of his right hand, bruising and lacerating the flesh of his head and face, and otherwise injuring him, so that he was unconscious for about two weeks thereafter. As a result of said injuries, claimant suffered great physical pain and agony and incurred large expense for medical care and attendance and for the services of a nurse, and has ever since been a permanent cripple, unable to perform manual labor of any kind.

III. In 1883 or 1884 claimant reported his condition to Col. W. D. Flagler, the United States officer in charge of the arsenal at Rock Island. Colonel Flagler, having been the officer in charge at said arsenal at the time claimant received the injuries aforesaid, gave claimant a position as watchman at the arsenal, at \$1.50 per day, which position he held for two or three years, and performed his duty by sitting in a chair. Another commanding officer then came to said arsenal, who dispensed with the services of claimant, informing him at the time that the Government did not make appropriations to pay cripples. This is the only work claimant has performed and the only money he has earned since the date of his injuries, November 6, 1880.

IV. The plank used for the purpose of constructing the floor on top of the trestle in question were old, weather-beaten, and unfit for the purpose for which they were being used. They had been in use in the arsenal building, and some of them had been used for dumping stone on. Claimant was familiar with the condition of the plank, having seen them and walked upon them while they were located at the arsenal building. The plank which broke under claimant's weight had been unloaded from the car or truck from which claimant had taken the plank he was carrying. Five or six other laborers were engaged with the claimant at the time in the work of unloading the plank from said truck or car, and stringing the same on the trestle. No foreman or other officer or agent of the United States was present at the place where the plank were being unloaded and strung on the trestle at the time the claimant fell as aforesaid. It does not appear from the testimony in this case which of the laborers engaged in stringing said plank unloaded and laid the plank which broke with the claimant. Claimant was intent upon the performance of his duty in connection with unloading and stringing said plank, and he did not observe the condition of the plank upon which he attempted to cross from one bent of the trestle to another.

V. By reason of the injuries received as aforesaid, claimant suffered damage in the sum of five thousand dollars (\$5,000), no part of which appears to have been paid to him.

#### OPINION.

BOOTH, J., delivered the opinion of the court:

This is the second reference of this bill under the act of March 3, 1887, commonly known as the Tucker Act. Under the first reference findings of fact were reported by the court and duly certified to Congress. Under the second reference some additional testimony was taken and presented to the court and some amendment of the findings was asked. The court is precluded from exercising jurisdiction under the second reference of the same bill under the fourteenth section of the Tucker Act unless its prior findings have been procured through the misconduct of the parties, their attorneys, or witnesses, or have been based upon false and fraudulent testimony. (*Adolph Hartiens v. United States*, 42 C. Cls. R., 42.) There is nothing in the record before us bringing this case

within the Hartiens case, and the court is without authority to change the findings.

The second resolution rereferring the case propounds certain interrogatories to which the court is asked to make answer. The interrogatories so propounded are predicated wholly upon the legal liability of the defendants for the injuries occasioned the claimant as set forth in the findings. The Congress has not recognized the liability of the Government for injuries occasioned by the negligent conduct of its agents. The question of relief is wholly a matter of legislative discretion.

The court did not add to its findings that the claimant was without fault, because to have done so would have been a conclusion involving not only the question of an ultimate fact but the law respecting the risk of the claimant as a coemployee with others on the work in which he was engaged.

It is because the claimant has no legal standing that he seeks relief by petition to Congress under the Tucker Act. The facts found in such cases are for the information of Congress, to enable them to determine whether or not the case thereby made is one which appeals to their sense of justice; not justice based on law, nor on the strict rules of equity, but that justice which appeals to the sense of right between men measured by moral rather than legal or equitable rules. The application of such rules is for Congress and not for the court. Therefore when the court has found the facts in any case referred to it under the Tucker Act and certified such facts to Congress, the requirements of the statute have been complied with.

In the case of *Widmayer and Bates v. United States* (42 C. Cls. R.), the court said:

"Precluded, as the court is, from deciding issues of law pertaining to liability, this report can neither be taken as a judgment nor as an award. Neither is it a recommendation for the payment of anything. It is merely a recital of the proven facts. These facts in their relation to the law only constitute material to enable Congress to create a liability by way of gift at discretion. Consequently, no vested right can be considered as acquired by the recital of facts."

While the reference in that case was under the Bowman Act, the opinion of the court is directly applicable to findings of fact under the Tucker Act. See also the case of *Taylor v. United States* (25 C. Cls. R., 75).

This case is a forcible illustration of the limited jurisdiction of the court in references under the fourteenth section of the Tucker Act. We are asked to define the legal status of the claimant under the findings reported. The conclusions thus reported might possibly result in the liquidation of this particular case by an adequate appropriation, and many claimants with equally as good a case, with findings equally as favorable, wherein no conclusions of law appeared, fail of success and their claims go unpaid because of our jurisdictional limitations, the court having heretofore reported findings in similar cases, reciting the facts proven, without any discussion of the legal status of the claimant thereunder.

The original findings of this court will again be transmitted to Congress, together with a copy of this opinion.

BY THE COURT.

Filed March 9, 1908.

A true copy.

Test this 10th day of March, 1908.

[SEAL.]

JOHN RANDOLPH,  
Assistant Clerk Court of Claims.

---

[House report No. 1271, Fifty-fifth Congress, second session.]

GOTTLLOB SCHLECHT ET AL.

The Committee on Claims, to whom was referred the bill (H. R. 8039) for the relief of Gottlob Schlecht and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Bransch, have had the same under consideration and submit the following report:

On September 10, 1897, at about 7.45 a. m., during construction of emplacement No. 6 battery at Willets Point, N. Y., a large derrick used in placing concrete fell, owing to the breaking of two of the guys. Several men were work-

ing on the parapet at the time. The top of the mast struck two of the men, one of whom was instantly killed, the other living but about twenty minutes. These men were Valentine (Charles) Brasch and William Bindhammer. Two other men were struck by the falling guys and injured seriously. The report of the assistant engineer in charge of the work shows that the accident was one which could not be foreseen and that the results were not due to any fault or carelessness on the part of the killed or injured men.

Brig. Gen. John M. Wilson, Chief of Engineers, in reporting the case to the Secretary of War, says:

"It seems proper that relief should be afforded by the Government to the injured and the representatives of the killed in the manner proposed in House bill 8039."

Your committee would further report that the hospital records and evidence by affidavit before them show that the two injured men, Gattleib Schlecht and Maurice D. Higgins, were, and still are, incapacitated for labor.

Wherefore your committee recommend the passage of the bill, with the following amendments:

Amend, on page 2, line 18, by striking out the words "twenty thousand" and inserting in lieu thereof the words "twelve thousand four hundred."

And also amend on page 2, line 20, by striking out the words "five thousand" and inserting in lieu thereof the words "twelve hundred."

Also, that the first name of Schlecht be made to read Gottlob, instead of Gattleib, wherever it appears in the bill.

The official correspondence from the War Department and the affidavits in the case appear in the appendix to this report.

---

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., February 15, 1898.*

DEAR SIR: Will you have the kindness, at your earliest convenience, to furnish me with a report from the engineer officer, Major Knight, under whose directions the men named in the inclosed bill were employed, concerning the accident.

Also, that a copy of the hospital records, and any other information that may bear on the subject, together with any recommendation you may be pleased to make concerning the justice of the payment provided by the bill.

Very truly, yours,

JOSEPH M. BELFORD.

Brig. Gen. JOHN M. WILSON,  
*Chief of Engineers, U. S. A., Washington, D. C.*

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,  
*February 16, 1898.*

Respectfully referred to Maj. H. M. Adams, Corps of Engineers, for report.

The commanding officer, post of Willets Point, has been directed to furnish a copy of the post hospital records.

An early return of this paper is requested.

By command of Brigadier-General Wilson.

JOSEPH E. KUHN,  
*Captain, Corps of Engineers.*

[Second indorsement.]

UNITED STATES ENGINEER'S OFFICE,  
*New York, February 17, 1898.*

Respectfully returned to the Chief of Engineers, United States Army.

On September 10, 1897, at about 7.45 a. m., during the construction of emplacement No. 6 battery at Willets Point, N. Y., a large derrick used in placing concrete fell, owing to the breaking of two of the guys. Several men were working on the parapet at the time. The top of the mast struck two of the men, one of whom was instantly killed, the other living but about twenty minutes. Two other men were struck by the falling guys and injured. The injured men were cared for by the post surgeon and taken to the post hospital.

The names, occupations, rates of pay, and periods of employment during the year 1897 of these men were as follows:

Charles Brasch, killed; laborer, \$1.60 per day; employed from May 3 to September 10, 1897.

William Bindhammer, killed; laborer, at \$1.60 per day; employed from May 27 to September 10, 1897.

Gottlob Schlecht, injured (reported 2 ribs and arm broken); laborer, \$1.60 per day; employed from August 16 to August 31, and from September 7 to September 10, 1897.

Maurice Higgins, injured (reported 2 ribs and collar bone broken); laborer, at \$1.60 per day; employed from July 15 to September 10, 1897.

The accident was one which could not be foreseen, and the results are not due to any fault or carelessness of the killed and injured men.

In the absence of Major Adams, on duty.

HENRY N. BABCOCK,  
*Assistant Engineer.*

Received office Chief Engineers, February 18, 1898.

[Third indorsement.]

WAR DEPARTMENT, *March 2, 1898.*

Respectfully returned to Hon. J. M. Belford, House of Representatives, inviting attention to the accompanying reports of the Chief of Engineers, United States Army, and Assistant Engineer Babcock, together with certificate of hospital record bearing upon the matter herein presented.

G. D. MEIKLEJOHN,  
*Acting Secretary of War.*

UNITED STATES ENGINEER SCHOOL,  
*Willets Point, N. Y., February 19, 1898.*

GENERAL: In compliance with the instructions of the Chief of Engineers, United States Army, dated February 16, 1898 (22595), I have the honor to forward copies of post hospital records in the case of Gottlob Schlecht and Maurice Higgins.

The surgeon reports that William Bindhammer and Valentine Brasch do not appear on the hospital record, as they were almost instantly killed and their bodies cared for and taken away by the coroner of Queens County, N. Y.

Very respectfully,

JOHN G. D. KNIGHT,  
*Major, Corps of Engineers, Commanding.*

Brig. Gen. JOHN M. WILSON,  
*Chief of Engineers, Washington, D. C.*

I hereby certify that the following is a true copy of the post hospital records at Willets Point, N. Y., pertaining to the below-mentioned case, viz: "No. 12961, Maurice Higgins, aged 47, born in Ireland; was brought to the post hospital September 10, 1897, with the following injuries, received while at work on the government fortifications: Simple fracture left clavicle, middle third; simple fracture of fourth rib, left side, and severe contusion left shoulder, caused by the fall of a derrick. Returned to his home at Whitestone, N. Y., October 14, 1897."

H. S. TURBILL,  
*Major and Surgeon, U. S. A., Surgeon.*

WILLETS POINT, N. Y., *February 19, 1898.*

I hereby certify that the following is a true copy of the post hospital records in the below-mentioned case, viz: "No. 12962, Gottlob Schlecht, aged 59, born in Germany; was brought to the hospital September 10, 1897, with the following injuries, received while at work on the government fortifications: Simple fracture of right ulna, lower third; fracture of fifth rib, right side, and several contusions of left side of head and left hip, caused by the fall of a derrick. Left hospital October 23, 1897."

H. S. TURBILL,  
*Major and Surgeon, U. S. A., Surgeon.*

WILLETS POINT, N. Y., *February 19, 1898.*

FLUSHING HOSPITAL,  
Flushing, N. Y., January 18, 1898.

To whom it may concern:

This is to certify that Gottlob Schlecht has been at this institution for some time, suffering from the sequelæ of injuries received during an accident at the fortification of Willets Point, New York Harbor. The extent of the injuries has been such as to render him unable for work for some time, and even at the present time the above named is not yet in a condition that would render him fit for manual labor.

Certified this 18th day of January, 1898.

A. J. KAUFMAN, M. D.,  
*Resident Physician.*  
EDWARD BLEECKER,  
*Attending Physician.*

---

OFFICE OF THE CHIEF OF ENGINEERS, U. S. A.,  
Washington, February 24, 1898.

SIR: I have the honor to submit herewith a letter of Hon. J. M. Belford, United States House of Representatives, dated February 15, 1898, inclosing with request for information and recommendation a copy of House bill No. 8039, Fifty-fifth Congress, second session.

The report by Henry N. Babcock, an assistant engineer, under Maj. H. M. Adams, Corps of Engineers, the officer in charge of the work on which the accident occurred, and a communication from Maj. J. G. D. Knight, Corps of Engineers, commanding post of Willets Point, N. Y., dated February 19, 1898, inclosing copies of the hospital records in the cases of Schlecht and Higgins are also herewith. Major Knight states that there is no hospital record in the cases of William Bindhammer and Valentine Brasch, as they were almost instantly killed and their remains cared for and taken away by the coroner of Queens County, N. Y.

From these reports it appears that the four men named were in the employ of the United States in the construction of fortifications at Willets Point, N. Y.; that while they were engaged in such work a large derrick fell, owing to the breaking of two of the guys, a portion of the derrick striking and killing two of the men and the guys striking and injuring the other two; and further, that the accident was not due to any fault or carelessness on the part of the killed or injured men.

Under the circumstances it seems proper that relief should be afforded by the Government to the injured and the representatives of the killed in the manner proposed in House bill No. 8039.

It will be noticed that Gattleib Schlecht is referred to in the accompanying reports as Gottlob Schlecht, and Valentine Brasch appears in the report of Mr. Babcock as Charles Brasch.

Very respectfully, your obedient servant,

JOHN M. WILSON,  
*Brig. Gen., Chief of Engineers, U. S. Army.*

Hon. R. A. ALGER, *Secretary of War.*

---

STATE OF NEW YORK, *County of Queens, ss:*

Charles D. Story, being duly sworn, deposes and says: I am a practicing physician, residing in the Borough of Queens, city of New York; have this day examined Maurice D. Higgins, of Whitestone, who was injured in an accident at Willets Point on September 10, 1897, and find that his left clavicle or collar bone was broken, or its distal or outer extremity, and now overrides to the extent of about one inch, allowing the shoulder to drop; also several of his upper ribs fractured, with pleuritic adhesions now existing in the region of the fracture, causing much pain on motion and on use of his arm, he being at the present time unable to raise his left arm above a horizontal position without great pain. He is also exceedingly stiff in the back, being unable to stand erect or perform any manual labor.

I find from my examination that these injuries are to a great extent permanent in character, and will seriously interfere with the performance of manual labor, and may be the seat of tuberculous disease.

CHARLES B. STORY.

Subscribed and sworn to before me the 21st day of March, 1898.

JAMES L. CAIN,

*Notary Public, Queens County, N. Y.*

STATE OF NEW YORK, *County of New York, ss:*

T. Hamilton Burch, being duly sworn, deposes and says: I am a practicing physician at No. 68 West Forty-fifth street, in the borough of Manhattan, New York City. I have this day examined Gottlob Schlecht and find that the said Schlecht, who was injured in an accident at Willets Point on September 10, 1897, sustained several broken ribs on the right side and a complicated fracture of the right forearm, which has destroyed the coordination of the muscles in that arm, rendering it impossible for any direct application of power to be exerted by him. Also that said Schlecht has sustained permanent injury in the muscles of the right shoulder. In my opinion the extent of these injuries is such that they now render and will permanently continue to render him incapable of doing manual labor.

In addition to the above I find that said Schlecht is suffering from articular rheumatism, which, from the history of the case, is doubtless the direct result of said accident, having appeared immediately after the same occurred. It is of course impossible to say anything definite as to the permanence of this last-named condition.

T. HAMILTON BURCH, M. D.

Subscribed and sworn to before me this 24th day of March, 1898.

ARTHUR M. MCKNIGHT,

*Notary Public, Queens County, N. Y.*

STATE OF NEW YORK, *County of Queens, ss:*

Gottlob Schlecht, being duly sworn, deposes and says: That he resides in the village of Whitestone, in the borough of Queens, in the city of New York. He was injured in the accident on government work at Willets Point on September 10, 1897. In said accident his right arm was broken in two places, three ribs were broken on his right side, and four holes were made in his head and his nose broken in two places and he was severely injured in his stomach and back. He has been unable to perform manual labor since, and is now unable to perform manual labor, and believes that he is permanently disabled for such work. He, from the time of said accident, was never subject to rheumatism or any other complaint with a tendency to incapacitate him for work, and has always been able to perform a full day's work prior to this accident.

GOTTLLOB SCHLECHT.

Subscribed and sworn to before me this 21st day of March, 1898.

JOHN J. TRAPP,

*Notary Public, Queens County, N. Y.*

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 27, 1906.

HON. WILLIAM H. TAFT,  
*Secretary of War.*

SIR: I have the honor to return herewith letter of Hon. James M. Miller, chairman of House Committee on Claims, House of Representatives (no date), inclosing, with request for information and opinion touching the merits of the claims as set forth in H. R. 8545, Fifty-ninth Congress, first session, a bill for relief of Gottlob Schlecht and heirs and legal representatives of William Bindhammer and Valentine Brasch.

On February 24, 1898, the principal papers in connection with this case were transmitted to the Secretary of War, in response to a request of Hon. J. M. Belford, United States House of Representatives, dated February 15, 1898, in connection with H. R. 8039, Fifty-fifth Congress, second session, a bill similar to the one now under consideration. The papers submitted at that time were a report by Mr. Henry N. Babcock, an assistant engineer under the officer in charge of the work when the accident occurred, and copies of the post hospital records in the cases of Schlecht and Higgins.

Attention is invited to the papers furnished as above, copies of which were not retained in this office, and also to the letter of the Chief of Engineers in connection therewith.

Inasmuch as it appears from the records of the case that the accident was not due to any fault or carelessness of the killed or injured men, it seems proper and just that relief should be afforded by the Government to the injured and the representatives of the killed.

Very respectfully,

A. MACKENZIE,  
*Brigadier-General, Chief of Engineers, U. S. Army.*

STATE OF NEW YORK, *County of Queens, ss:*

On this 7th day of May, 1910, personally appeared before me Gottlob Schlecht and made affidavit to the following statement:

On the 10th day of September, 1897, I was injured in the discharge of my duties at Fort Totten (formerly Willets Point) to the extent that I was incapacitated for further work for a period of two years. During the first part of my sickness I was in the hospital at Fort Totten. The physician in charge at that time has since died. I was then removed to hospital at Flushing, Queens County, N. Y., for a period of a month, more or less. The balance of my sickness I was attended by my family physician at my own home, said family physician having since died.

[SEAL.]

GOTTLLOB SCHLECHT.

Witness—

MAURICE D. HIGGINS.

Subscribed and sworn to before me this 7th day of May, 1910.

[SEAL.]

RICHARD W. TOWNSEND,  
*Notary Public, Queens County.*

COMMITTEE ON ELECTIONS, No. 2,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., February 15, 1898.*

Brig. Gen. JOHN M. WILSON,  
*Chief of Engineers, Washington, D. C.*

DEAR SIR: Will you have the kindness, at your earliest convenience, to furnish me a report from the engineer officer, Major Knight, under whose directions the men named in the inclosed bill were employed, concerning the accident. Also with a copy of the hospital records, and any other information that may bear on the subject, together with any recommendation you may be pleased to make concerning the justice of the payment provided by the bill.

Very truly, yours,

JOSEPH M. BELFORD.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,  
*February 16, 1898.*

Respectfully referred to Maj. H. M. Adams, Corps of Engineers, for report. The commanding officer, post of Willets Point, has been directed to furnish a copy of the post hospital records.

An early return of this paper is requested.

By command of Brigadier-General Wilson:

JOSEPH E. KUHN,  
*Captain, Corps of Engineers.*

[Second indorsement.]

UNITED STATES ENGINEER OFFICE,  
New York, February 17, 1898.

Respectfully returned to the Chief of Engineers, U. S. Army.

On September 10, 1897, at about 7.45 a. m., during construction of emplacement No. 6, battery at Willets Point, N. Y., a large derrick, used in placing concrete, fell, owing to the breaking of two of the guys. Several men were working on the parapet at the time. The top of the mast struck two of the men, one of whom was instantly killed, the other living but about twenty minutes; two other men were struck by the falling guys and injured; the injured men were cared for by the post surgeon and taken to the post hospital.

The names, occupations, rates of pay and periods of employment during the year 1897 of these men were as follows:

Charles Brasch, killed; laborer, at \$1.60 per day; employed from May 3 to September 10, 1897.

William Bindhammer, killed; laborer, at \$1.60 per day; employed from May 27 to September 10, 1897.

Gottlob Schlecht, injured (reported 2 ribs and arm broken); laborer, \$1.60 per day; employed from August 16 to August 31, and from September 7 to September 10, 1897.

Maurice Higgins, injured (reported 2 ribs and collar bone broken); laborer, at \$1.60 per day; employed from July 15 to September 10, 1897.

The accident was one which could not be foreseen, and the results are not due to any fault or carelessness of the killed and injured men.

In the absence of Major Adams, on duty:

HENRY N. BABCOCK,  
Assistant Engineer.

[Third indorsement.]

WAR DEPARTMENT,  
March 2, 1898.

Respectfully returned to Hon. J. M. Belford, House of Representatives, inviting attention to the accompanying reports of the Chief of Engineers, U. S. Army, and Assistant Engineer Babcock, together with certificate of hospital record bearing upon the matter herein presented.

G. D. MEIKLEJOHN,  
Acting Secretary of War.

LEGAL REPRESENTATIVES OF EDWARD O'TOOLE.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INDIAN AFFAIRS,  
Washington, May 16, 1910.HON. GEORGE W. PRINCE,  
House of Representatives, Washington, D. C.

MY DEAR MR. PRINCE: The clerk of your committee phoned me a few days ago requesting that I ascertain the amount of compensation that Edward O'Toole was earning at the time of his death, and I inclose you herewith communication from the War Department giving the information. You will observe he was receiving \$1.50 per day. I inclose House Document No. 184, Fifty-ninth Congress, first session, which refers to the death of Mr. O'Toole, and would request consideration of the bill for the relief of his heirs now pending before your committee, being H. R. —.

Yours, very truly,

CHAS. H. BURKE.

The accident is explained as follows:

On February 24, 1905, the elevator in the west wing of shop "G" at the Rock Island Arsenal fell from the second floor to the basement, fatally injuring Edward O'Toole, aged 43, employed as a laborer in machine shop "G," who died a half hour after the accident; August Abel, aged 23, employed as elevator boy in shop "G," who died on the day following the accident; and slightly injuring Leon W. Hunt, employed in machine shop "G."

The elevator which fell was of the open type, without cage, the well hole being fenced in by a railing. It was designed to carry safely a load of about 2,000 pounds. Just before the accident a load of about 800 pounds had been carried from the basement to the second floor and unloaded. Hunt and O'Toole were on the elevator waiting to go down. The elevator boy, August Abel, pulled the lever and started to step on the elevator, but just at that moment it fell, and he, losing his balance, fell after it and struck the crossbeam, breaking one leg in two places and receiving severe internal injuries. O'Toole was injured internally, but Hunt escaped with only a severe shock.

The elevator cable was comparatively new, having been installed about the 1st of September preceding the accident. It was inspected before being put in and was apparently in good condition. The breaking load is approximately 12,000 pounds. Examination showed that there was not sufficient wearing of the strands to materially weaken them, but on unraveling the cable it was found that there were many breaks in the wire. When the elevator fell the safety clutches failed to work, due probably to the fact that the cable parted 43 feet from the point where it is attached to the crossbeam of the elevator. The sheave over which the cable passed is 20 feet from the point of attachment of the cable to the elevator, which would leave 23 feet of cable to be drawn over the sheave, and probably the inertia of this mass, together with the rubbing of the broken cable against the slots in the floors, prevented the working of the springs which actuate the clutches. The elevator had been examined about ten days before the accident and was apparently all right then.

Of the proposed beneficiaries, Mary Abel is the widowed mother of August Abel, and Allen Edward, Bessie, and Clifford O'Toole are the children of Edward O'Toole, who was a widower. Leon W. Hunt is an employee at the Rock Island Arsenal, and the \$6.25 which is recommended be appropriated for his relief is to reimburse him for time lost and money expended for medicines. There is precedent for action of Congress such as that now recommended. (See House Doc. No. 267, 58th Cong., 2d sess., copy herewith.) In this connection attention is also invited to House bill No. 3583, Fifty-eighth Congress, first session, introduced by Mr. Gillett, of Massachusetts, and referred to Committee on the Judiciary, regarding compensation for personal injuries suffered by employees in the service of the Government.—*William Crozier, Brigadier-General, Chief of Ordnance.*

